

Planning Committee

PLANNING APPLICATIONS RECEIVED

DATE:

Wednesday 5 September 2012

PLANNING COMMITTEE

APPLICATIONS

WEDNESDAY 5TH SEPTEMBER 2012

PLANNING APPLICATIONS RECEIVED

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PLANNING COMMITTEE

WEDNESDAY 5TH SEPTEMBER 2012

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SECTION 1 – MAJOR APPLICATIONS

Item No. 1/01

Address: 1 ELIOT DRIVE, HARROW

Reference: P/1208/12

Description: OUTLINE APPLICATION FOR ACCESS, LAYOUT AND SCALE AS PART OF RAYNERS LANE ESTATE REGENERATION: REDEVELOPMENT TO PROVIDE 152 DWELLINGS COMPRISING A MIX OF HOUSES AND FLATS WITHIN 2, 3 AND 4 STOREY BUILDINGS; ASSOCIATED CAR PARKING AND COMMUNAL OPEN SPACE; DEMOLITION OF EXISTING BUILDINGS.

Ward: Roxbourne

Applicant: Home Group Limited

Agent: Levitt Bernstein

Case Officer: Andrew Ryley

Expiry Date: 01/08/2012

RECOMMENDATION

GRANT planning permission subject to conditions, subject to referral to the Greater London Authority (GLA).

REASON

The decision to grant outline planning permission has been taken having regard to the National Planning Policy Framework (2012), the policies of The London Plan (2011), Harrow's Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan (2004) listed in the informatives below, as well as to all relevant material considerations including the responses to consultation.

As the final phase of the wider site redevelopment, the proposed development would contribute to the regeneration of the Rayners Lane Estate through replacement of existing poor quality housing stock. The proposal would deliver a mix of small family houses and a number of one and two bedroom apartments to address the specific housing needs of the Rayners Lane Estate, in accordance with the National Planning Policy Framework, The London Plan (2011), Harrow's Core Strategy (2012) and Unitary Development Plan (2004). The proposed development would provide a modern contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for the future occupiers of the development. Given the layout of the proposed development and separation to shared boundaries, the impact upon residential amenity in surrounding areas is considered to be acceptable.

INFORMATION

This application is reported to the Committee as the number of residential units proposed

falls outside of the thresholds (six units) set by category 1(d) of the Council's Scheme of Delegation for the determination of new development.

Rayners Lane Estate was originally built in the 1960s and was the largest local authority flatted estate in Harrow, occupying 17ha and comprising 680 dwellings of which 518 were social rented homes, 75 leasehold flats and 87 freehold houses (which had been acquired under right to buy). The original Estate built in the 1960s primarily consisted of a mix of 3 and 4 storey blocks of systems built (resi-form) and traditional flats and maisonettes set in areas of semi private open space with little or no private amenity space around the individual blocks. Unfortunately, the Estate became increasingly run down over time.

The regeneration scheme prepared by Home Group for the Estate proposed the demolition of the poor quality buildings and replacing them with a mix of homes for rent and sale. The new energy efficient homes would comprise houses with private gardens, and flats with balconies in a street setting reflecting the wishes of existing residents, which were identified through an extensive consultation process. In 2001, a masterplan was developed for the regeneration of the estate. The masterplan was designed in consultation with the residents of the estate and sought to address the perceived deficiencies of the existing layout.

An outline planning application was submitted and approved in 2002 for the demolition of all resiform blocks of flats and replacement of 450 new homes for rent, and a further 285 properties for private sale to subsidise the regeneration of the estate. The application also included the retention and refurbishment of 68 dwellings, the construction of a new community centre, new open green space and re-provision of a 'Teenage Friendly Zone'.

A transfer ballot was held in 2002 and 76% residents voted to transfer the estate to the Home Group on the basis of the master plan.

Revisions were made to the masterplan in 2006 and a new outline application was submitted in 2008 to capture all the changes to the original permission.

The award of social housing grant in 2009/10 from the HCA enabled Home Group to increase the provision of low cost home ownership units on the scheme and some of the private sales units were subsequently delivered as Homebuy Direct or First Buy (Shared Equity/low cost home ownership).

Statutory Return Type: Largescale major dwellings

Council Interest: None

Gross Floorspace: 12,332 sq m

Net additional Floorspace: 2,390 sq m

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £431,620

Site Description

- The 1.6ha application site is located within the wider [15.43 ha] Rayners Lane Estate, in the western half of the Estate.
- The site currently contains four Resiform blocks of flats, which are now vacant. At the time of the officer site visit, the site was enclosed by hoarding.

- At present, the site is accessed from Austen Road to the east. The site is bounded by Tranquil Lane to the north, Austen Road to the east, Marylett Avenue to the south and Rayners Lane to the west.
- The application site is the last area within the wider Rayners Lane estate to be developed. To the north of the site lies new three and four storey residential properties developed as part of Phase D, along with an area of open space referred to as the "Sports Fun Zone". To the east of the site lies two-storey housing along Austen Road, as well as the Beacon Community Centre, further than this, by the underground railway line which sits on a raised viaduct. To the immediate south of the application site lies existing two-storey housing, whilst to the west lies Rayners Lane Football Club, and Newton Farm Ecology Park.
- There are six vehicular access routes into the estate, five of which are accessed via Rayners Lane to the west of the estate, with the remaining access under the viaduct via Welbeck Road,
- The nearest part of the Strategic Road Network (SRN) is the A312 Northolt Road 875m to the south-east while the A40 Western Avenue, 3km to the south of the site, is the nearest part of the Transport for London Road Network (TLRN).
- Rayners Lane London Underground (LU) station on the Metropolitan and Piccadilly lines is located approximately 950m to the north-west of the site and falls within the maximum Public Transport Accessibility Level (PTAL) walk distance of part of the site. In addition, the H12 bus service passes the site on Rayners Lane. As such, the site records a Public Transport Accessibility Level (PTAL) of between 1b and 3, where 1 is poor and 6 is excellent. South Harrow LU station is located to the south of the site.
- Outline planning permission was granted in 2002 for the overall regeneration of the Rayners Planning Estate.
- The site is not within a Conservation Area or curtilage of a Listed Building, nor a recognised Flood Zone.

Proposal Details

- This is an outline planning application that proposes the demolition of the existing 104 dwellings on this site and its redevelopment to form 152 new dwellings.
- The application is outline with access, layout and scale to be considered at this stage; appearance and landscaping are reserved for approval at a later date.
- The development would comprise 13 two bedroom houses, 44 three bedroom houses, 22 one bedroom flats and 73 two bedroom flats.
- The application proposes two broad perimeter blocks on a north to south axis. The proposed flats, which would be four storeys in height, would be located at the north of the site, with a mix of two and three storey dwellinghouses in the middle and southern areas of the site. The application proposes central landscaped square in the centre of the development (approximately 863 sq m). This will allow pedestrian routes connecting the space at the North East the site through the south-west.
- It is proposed to both remove the existing mini-roundabout on Rayners Lane to the west of the site and convert the Rayners Lane / Marryat Avenue junction from a mini-roundabout to a priority junction. A new access into the site would be created from Rayners Lane, which would also incorporate a new 'speed table'. A further speed table would be installed at the northern end of Rayners lane (at the north-west of the application site).
- The proposed houses would have front and rear gardens, and offstreet car parking spaces in allocated bays or curtilage spaces. The proposed flats would have car parking to the rear in a secure courtyard. 151 car parking spaces are proposed across the development.

- Cycle storage for flats would be accommodated within the main envelope the building. All of the proposed flats would have a balcony or terrace.

Environmental Impact Assessment

The development falls within the thresholds set out in Schedule 2 of the Town and Country Planning (EIA) Regulations 2011 whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.

Schedule 2 paragraph 10(a) of the Regulations states that proposals for urban development projects of more than 0.5 hectares in area may require an Environment Impact Assessment (EIA). The application site area is 1.6 hectares and therefore the proposed development may / may not require an EIA.

The indicative thresholds outlined within Annex A of Circular 02/1999: Environmental Impact Assessment indicate that development for sites which have not previously been intensively developed are more likely to require EIA if they would provide in excess of 10,000 square metres of new commercial floorspace or a 1,000 dwellings. The proposed development is for 152 dwellings, and that the site has been previously developed. The site is part of wider redevelopment proposals insofar as adjoining sites are concerned, and is within a built up urban area.

As required pursuant to 4(5) of the Regulations and having regard to the criteria set out In Schedule 3, which provides criteria against which a local planning authority might consider whether an EIA is required, it was concluded that the characteristics of the proposal, the location of the development and the characteristics of the potential impact would be of a nature that did not warrant the submission of an Environmental Impact Assessment as it would not have a significant environmental effects.

Relevant History

LBH/2779/1

Erection 14 three storey flats, a community centre and 6 shops with 6 flats over
Granted 04-JUN-68

LBH/2779/2

Erection 13 Three storey blocks of flats community centre 6 shops with 6 flats over, garages and parking spaces (revised)
Granted 30-OCT-69

WEST/112/02/OUT OUTLINE

Regeneration of estate including demolition of 515 flats and maisonettes and construction of 329 houses and 406 flats with parking, community building, estate office/shop and provision of public open space, with play areas and new road layout
Granted 16-OCT-02

P/1602/07

Details required by condition 10 (samples of materials) of planning permission ref: WEST/112/02/OUT
Granted 23-JUL-07

P/1610/07

Details of surface water disposal and surface water attenuation required by conditions 13

& 14 of planning permission ref: WEST/112/02/OUT
Granted 04-JUL-07

P/1625/07

Details of levels required by condition 9 of planning permission ref: WEST/112/02/OUT
Granted 24-JUL-07

P/0813/08/DDP

Details of boundary treatment required by condition 3 and samples of external surfaces required by condition 10 of planning ref: WEST/112/02/OUT
Granted 18-APR-08

P/1341/07

Approval of reserved matters for open space pursuant to permission P/112/02/OUT
Granted 23-JUL-2008

P/2669/08

Approval of details of condition 4 (access carriageway to base), 5 (hard & soft landscaping) and 6 (existing trees/tree protection) of planning permission WEST/112/02/OUT
Granted 16-OCT-08

P/0431/08/COU OUTLINE

Redevelopment of Rayners Lane Estate (Area bounded by Rayners Lane, Maryatt Avenue, Coles Crescent, Eliot Drive and Austen Road, Phases E to H) to provide 162 Houses, 177 Flats, car parking, public open spaces and new access/pedestrian access
Granted 07-MAY-10

P/0735/09

Redevelopment to provide 13 houses ranging from 2-3 storeys in height and one 4-storey block to provide 8 flats and 23 parking spaces
Granted 06-AUG-09

P/1905/09

Construction of 135 residential dwellings as part of the Rayners Lane Estate regeneration comprising 5 x 5 bed houses 27 x 4 bed houses 46 x 3 bed houses 41 x 2 bed flats and 16 x 1 bed flats; new access road re-aligned footpaths provision of 157 car parking spaces, cycle parking and bin stores (revised drawings)
Granted 22-DEC-09

P/0014/10

Three-storey residential building comprising 3no. X one-bed and 3no. X two-bed flats, landscaping and refuse storage
Granted 05-MAY-2010

P/0405/10

Demolition of four existing blocks of flats and the construction of 55 residential dwellings as part of the Rayners Lane estate regeneration; comprising 2 x 3 bed houses, 17 x 2 bed houses, 22 x 2 bed apartments and 14 x 1 bed apartments; the provision of landscaping, refuse and 54 car parking spaces (revised proposal).
Granted 20-JUL-2010

P/1778/12

Redevelopment to provide 82 new dwellings comprising a mix of houses and flats within 2, 3 and 4 storey buildings; associated car parking and communal open space; demolition of existing buildings
Pending consideration

Pre-Application Discussion

- Pre-application meetings have taken place over the last year with Council Officers. The application is broadly consistent with the advice given as part of the pre-application process.

Applicant Statement

- The regeneration of Rayners Lane Estate has been ongoing since 2001. There have been two separate outline planning applications for the development plus a masterplan review. Also extensive consultation with residents and stakeholders has been undertaken regarding the regeneration works.
- The overall scheme represents an opportunity to improve and enhance Rayners Lane Estate by creating a better mix of dwellings, a more vibrant streetscape, enhanced landscaping and a quality design that responds to the constraints and opportunities of the site.
- Phase G is the latest phase of the Rayners Lane Estate Regeneration. Phase G has been designed in a contemporary architectural manner, to respond to the local context, that has a distinctive identity.

Applicant Submission Documents

In addition to full plans, the application comprises the following documents:

- Design and Access Statement
- Daylight and Sunlight Report
- Transport Assessment
- Arboricultural Report
- Energy Strategy
- Sustainability Strategy
- Drainage Plan
- Flood Risk Assessment

Consultations

Greater London Authority (GLA): The mayor considers that the application does not comply with the London Plan (2011) for the following reasons:

- Housing mix/affordable housing – a lack of clarity over how the housing unit size and type fit within the estate renewal programme; there is no clear case presented for the lack of affordable housing in this final stage of the estate renewal programme; need to increase the percentage of family units.
- Urban design – the design quality is good in terms of layout, scale and massing definition and provision of public space, but there is no indication or details on whether the proposals are in compliance with the GLA's space standards.
- Children's play space – no information provided in relation to how provision will be made within the development.
- Access – no commitment to the provision of 10% wheelchair accessible homes.
- Sustainable energy – further information is required before the carbon savings can be verified.

- Transport – concerns over the changes proposed to Rayners Lane and their likely impact on bus operators in the area; concerned over design of linkage to the Newton farm ecology Park; increasing car parking since the original application; status of any travel plan should be clarified.

These areas can be addressed through revisions to the scheme and confirmation of further details.

Transport for London (TfL): Objection. Whilst the principle of the application can be supported, TfL do have some concerns over the changes proposed to Rayners Lane and their impact on buses in the area. There is also a concern that car parking has increased since the original outline application, and the status of any Travel Plan should be clarified.

Planning Policy: No objection.

Housing Officer: No objection, current application is consistent with delivery of masterplan; all affordable units have been delivered as part of the previous phases of the scheme.

Highway Authority: No objection. The level of parking provision for the residential units is acceptable and in line with The London Plan (2011) standards, as would the level of disabled bays and electric charging points. Revisions to public highway are considered acceptable.

Landscaping Officer: No objection, subject to landscape and boundary treatment conditions. Comments that the proposed development is situated on previously developed land, with Newton Farm Ecological Park (Site of Local Importance of Nature Conservation) very close, to the south west of the proposed development. The impact of the proposed new development on the ecology park should be minimal, since the site has previously been developed with flats. The landscape proposals incorporate a central landscaped green space running through the site from north to south and a new footpath and landscaped green link, linking the central space from east to west to connect to Newton Farm Ecology Park. The green link forms a connection for pedestrians between the proposed Rayners Lane development, via a safe crossing point, across a proposed raised speed table connecting to the Ecology Park, part of Harrow Council's Green Grid. The proposed planting of additional trees around the site would enhance the biodiversity and help to form a green link between the development site and Newton Farm Ecological Park.

Thames Water: No comment on the application.

Drainage Engineer: No objection subject to conditions.

Environment Agency (EA): No objection, subject to a planning condition controlling a surface water drainage scheme.

Advertisement

Major Development – Expired 14/06/2012

Notifications

Sent: 240

Replies: 0

Summary of Responses

- N/A

MAIN CONSIDERATIONS

- 1) Principle of the Development
- 2) Character of the Area
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Development and Flood Risk
- 6) Sustainability
- 7) S17 Crime & Disorder Act
- 8) Impact upon Health and Wellbeing
- 9) Planning Obligations and Conditions to Mitigate the Impact of Development
- 10) Consultation Responses
- 11) Conclusions

1) Principle of the Development

Members will be aware that the National Planning Policy Framework (NPPF) was published by the Government on the 27/03/2012. The NPPF does not change the law in relation to planning (as the Localism Act 2012 does), but rather sets out the Government's planning policies for England and how these are expected to be applied. It is still the case that applications for planning permission must be considered in the context of the Development Plan for the area, as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). The Development Plan for this area comprises:

- The London Plan (2011), and the Early Minor Alterations to it;
- The Harrow Core Strategy (2012);
- The saved policies of the Harrow Unitary Development Plan (2004).

The NPPF, however, does set out policies and principles that local planning authorities should take into account, when both preparing local plans, and determining planning applications. The policies within the NPPF are a material consideration that should be given significant weight, especially when they conflict with an out-of-date Development Plan.

Of particular note in the NPPF is the (much debated) requirement that there is a presumption in favour of sustainable development. Paragraph 14 of the NPPF sets out that:

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

— *specific policies in this Framework indicate development should be restricted.*

During 2011, the Government announced its intention to introduce a presumption in favour of sustainable development (in the 2011 budget and the 'Planning for Growth' paper) and issued a draft NPPF for consultation. Both the emerging presumption and draft NPPF were in the public domain before the Examination in Public hearing sessions of Harrow's Core Strategy in late summer 2011, and upon the advice of the examining Planning Inspector the Council undertook a post-hearings re-consultation exercise to *inter alia* solicit views about the implications of these for the Core Strategy. Paragraph 7 of the Planning Inspector's report into the soundness of the Core Strategy confirms that he took into account representations received in respect of these matters. The published NPPF formalises the presumption in favour of sustainable development and carries forward the thrust of the Government's intentions for a streamlined, pro-growth national planning policy position as set out in the 2011 draft. Officers are therefore confident that the Core Strategy (2012) is in general conformity with the published NPPF and that, taken together with the London Plan (2011), there is a clear and up-to-date Development Plan for the delivery of sustainable development in Harrow.

Taking each of the relevant NPPF sections in turn, The London Plan (2011) and Harrow's Core Strategy (2012) provide a clear framework for:

- ensuring that major development takes place in accessible locations to benefit from, and support investment in, sustainable transport (*promoting sustainable transport*);
- the delivery of a quantum, mix and affordability of homes to meet evidenced needs over the plan period on previously developed land including mixed-use redevelopment of redundant offices where appropriate, but without relying on the development of garden or other windfall sites (*delivering a wide choice of high quality homes*);
- securing good, inclusive design through new development within the Intensification Area and ensuring that the character of suburban areas is safeguarded (*requiring good design*);
- meeting the needs of the community by ensuring the delivery of social infrastructure such as healthcare and educational facilities, and ensuring the protection, improvement and new provision of open space (*promoting healthy communities*);
- managing flood risk and mitigating climate change (*meeting the challenge of climate change, flooding and coastal change*);

Specific policies of the NPPF (2012) that are relevant to the subject proposal are discussed in the relevant sections below.

Policy 3.3 of The London Plan (2012) sets out the target for housing supply for each London Borough, for Harrow this being a provision of 3,500 additional homes for the next ten years and an annual monitoring target of 350. It is considered that the principle to redevelop this site for residential development would be in accordance with the London Plan (2011) policy 3.3.

The London Plan (2011) policy 3.4 requires that development should seek to optimise the number of residential units, having regard to the local context, matters of design and the level of public transport acceptability. Target guidance ranges for the density of new residential development are specified in Table 3.2 Sustainable Residential Quality (SRQ) density matrix, which supports policy 3.4 of The London Plan (2011). The density guidance ranges specified in this table are related to the site location setting, the existing

building form and massing, the indicative average dwelling size, and the Public Transport Accessibility Level (PTAL) of the site.

The London Plan (2011) policies 3.9 – 3.13 sets out guidance on the delivery of new affordable housing. Policy 3.9 promotes mixed and balanced communities and requires that new developments should encourage a good mix of housing tenures thereby reducing social deprivation. Policy 3.10 of The London Plan (2011) defines affordable housing as social rented, affordable rented and intermediate housing (including shared ownership/equity and intermediate rental products etc). The London Plan (2011) policy 3.12 promotes the negotiation of affordable housing on residential and mixed use developments and in particular explains how boroughs should seek to secure the maximum reasonable provision of affordable housing on qualifying sites subject to financial viability, the availability of funding and other site specific and local circumstances and priorities. Boroughs should evaluate financial appraisals submitted alongside planning applications rigorously.

Harrow Core Policy CS1 (Overarching Policy) I identifies that new residential development should result in a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods, to promote housing choice, meet local needs, and to maintain mixed and sustainable communities. This includes the provision of a range of affordable housing tenures including social and affordable rent, as well as intermediate housing products such as shared ownership and shared equity. Harrow Unitary Development Plan (2004) policy H7 require new development to provide a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.

Harrow Core Policy CS1 (Overarching Policy) J states that the Council will aim for a Borough wide affordable housing target of 40% of the housing numbers delivered from all sources of supply across the Borough between 2009 and 2026. The Council will seek the maximum reasonable amount of affordable housing on all development sites with a capacity to provide ten or more homes (gross), having regard to:

- the availability of public subsidy;
- the need to promote housing mix and choice (see Policy CS1 I);
- the priority accorded to family affordable housing in both the London Plan and the Council's Housing Strategy;
- the size and type of affordable housing needed in particular locations;
- the site circumstances and other scheme requirements;
- development viability; and
- the need to meet the 40% borough wide target.

The application site is within an urban setting as defined in the Harrow Unitary Development Plan (2004). Given the PTAL accessibility level (2-3), the density matrix of The London Plan (2011) table 3.2 suggests that development in the range of 200 – 450 habitable room per hectare (HRHa) is appropriate. The development would have an overall density of 311 HRH which is considered acceptable. This view is supported by the GLA. Overall, the proposed development is considered acceptable in terms of the density of the site.

The principle of regeneration of the Rayners Lane Estate was established in 2002 through the approval of the outline planning application WEST/112/02. The proposal was supported at a strategic planning policy level, as it provided an increase in housing (220 additional units) at appropriate levels of density and replaced and improved existing levels

of affordable housing. This permission established the demolition of the existing three and four storey apartment blocks on site and the revised layout of estate to provide a total of 735 new dwellings (450 new affordable homes for rent, refurbishment of 68 rented properties and 285 new homes for private sale).

A second outline planning application P/0431/08 was submitted and recommended for grant subject to completion of a legal agreement in 2008. The application proposed an increase in the overall number of dwellings on the estate by 57 (to a total of 792 units) and sought revisions to the layout of the development within the southern half of the site (including all of the current application area). The increase in unit numbers was a result of demolishing properties in Coles Crescent that were originally intended for refurbishment rather than replacement. The changes to the site layout followed engagement with the local community and other stakeholders.

The delivery of the Rayners Lane scheme and construction of affordable homes was always dependent on the cross-subsidy from outright sales. No grant was included in the original scheme proposals and therefore proposals represented excellent value for money while at the same time improving tenure balance and quality.

The initial Phases (A – D) of the regeneration proposals completed in September 2009. By this time Home Group needed to review the Business Plan as the substantial drop in sales values that took place in the previous 18 months had adversely affected the injection of capital required into the scheme. This led to a substantial cash flow deficit in the business plan which threatened the continuation of the scheme.

In August 2008 Home Group successfully applied to the Housing Corporation for grant funding based on additionality of bedspaces being provided in the affordable homes. In December 2008 a business case was made to the newly formed Homes and Communities Agency (HCA and now the GLA Housing Land Directorate) for grant for all the remaining affordable units still to be constructed on the basis that the regeneration project would otherwise be threatened due to the decline in market conditions.

The HCA approved the grant application in March 2009 and awarded funding for rented accommodation as well as for the additional intermediate rent to buy units, and as a result Phase Big E was created. Phase Big E was designed to combine several phases in the original masterplan design (phases E, part of F and G2 as envisaged by the Outline Consent).

Full planning permission for Phase Big E was granted on 22 December 2009 and for Block 2 (within that phase) on 5 May 2010. Phase Big E, when coupled with the permission granted for Block 2, comprised of 94 rented homes, 32 sales units and 15 Rent to HomeBuy properties. To complete the required provision of affordable housing, 2 of the 10 properties that we were originally designated for sale in phase D2 but have been let on a market rent pending recovery of the sales market were converted to Rent to HomeBuy.

Phase Big E completed in the final quarter of 2011/12. This phase completed the provision of the 474 rented homes included in the overall regeneration scheme (revised). It not only provided new homes for the final 54 families waiting to be re-housed, in addition, there were 40 family homes made available for additional Council nominations.

69 low cost home ownership units have been delivered in these phases above and

beyond the original affordable housing requirement.

It is noted that the GLA's Stage 1 response raises concerns with the mix of units and the lack of affordable housing. The updated housing figures (as provided by the Council's Housing and Planning Policy Officers) has been provided to the GLA, as well as updated information from the application directly.

As the current Phase G application forms part of a wider business plan for the regeneration of the estate as a whole, it cannot be looked at in isolation in terms of affordable housing policy. A comprehensive business case demonstrating scheme viability was submitted to the HCA (now the GLA Housing Land Directorate) in 2008/09 in order to secure grant funding which enabled the continuation of the regeneration scheme.

At the outset of the regeneration, a comprehensive financial business plan was agreed between the Council and Home Group which sought to enable the complete redevelopment and refurbishment of the estate. The regeneration funding for the scheme is still dependent on the surplus from private sales cross subsidising the provision of social housing. Given that the affordable housing has already been delivered through the previous phases, and notwithstanding the outstanding concerns raised by the GLA, it is considered that the application is acceptable in principle and is compliant with The London Plan (2011).

Conclusion

Having regard to the strategic policy considerations within the Development Plan, set out above, the history of housing delivery as set out in the masterplan for the site (as revised and updated), and all other material planning considerations, the application is considered acceptable in principle.

The NPPF and Development Plan nevertheless also require that the development satisfies a number of specific policy considerations, related to its detailed design and the impacts arising from it. These matters and the specific policy requirements will be considered below.

2) Character of the Area

The NPPF (2012) continues to emphasise that:

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. (Para 56)

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. (Para 57)

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. (Para 61)

Permission should be refused for development of poor design that fails to take the

opportunities available for improving the character and quality of an area and the way it functions. (Para 64)

Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits). (Para 65)"

The London Plan (2011) policies 7.4B and 7.6B set out the design principles that all boroughs should seek to ensure for all development proposals. The London Plan (2011) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. The London Plan (2011) policy 7.6B states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion, composition, scale and orientation. Development should not be harmful to amenities, should incorporate best practice for climate change, provide high quality indoor and outdoor spaces, be adaptable to different activities and land uses and meet the principles of inclusive design.

Saved policy D4 of the Harrow Unitary Development Plan (2004) reinforces the principles set out under The London Plan (2011) policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surrounding, and should have a satisfactory relationship with adjoining buildings and spaces. The Council has published a Supplementary Planning Document on Residential Design (2010) which sets down the detailed guidance for residential extensions and new residential developments and reinforces the objectives set under saved policy D4.

Saved policy D5 of the Harrow Unitary Development Plan (2004) requires new development *'to provide amenity space which is sufficient: to protect the privacy and amenity of occupiers of surrounding buildings; as a usable amenity area for the occupiers of the development; as a visual amenity'*. Explanatory paragraph 4.28 of saved policy D5 of the Harrow Unitary Development Plan (2004) goes on to state that *'There should be a clear definition between private amenity space and public space'*.

Layout

The applicants Design and Access Statement sets out the following principles:

- *Connecting open spaces from the north-east of the site, to the south-west by providing pedestrian routes through the site.*
- *Providing a central landscaped square in the heart of the development to be shared by residents.*
- *Clear hierarchy of routes through site.*
- *Active frontages on streets with front gardens - private external space to rear of properties (back gardens).*
- *Creating views through the site and maximising visual permeability, by creating*

smaller blocks.

- *Utilisation of the site's topography and orientation to maximise the amount of natural daylight and sunlight within dwellings.*
- *Link to Newton Farm Ecology Park strengthened with traffic-calming measures on Rayners Lane to the south-west corner of the site.*

The proposed perimeter block layout is considered acceptable. The block layout would result in a strong street frontage being created to all external streets (Rayners Lane and so on), and the public space to the north east of the application site. This in particular would add to the sense of security of more direct overlooking and interaction with this space. Similarly, the internal open space courtyard would be well enclosed and overlooked.

Car parking for the proposed flats would be located in a secure open courtyard at the rear. Given the size of the proposed flats, and the location of other proposed buildings, the car parking would be well screened and not prominent in the public domain. Car parking for the houses would be either off-street to the front of dwellings, or in parking bays adjacent to the internal roads.

Scale

The applicants Design and Access Statement sets out the following principles:

- *Tranquil Lane: A more urban scale of 4 storeys opposite the 4 storeys of Lime Terrace (directly to the north) creating a gateway to the Beacon Centre from Rayners Lane.*
- *Austen Road: 2 storey terrace along the street edge creating a more intimate scale, stepping up to 3 storeys to the south as a way of defining the corner of the site and the entrance into the site from Maryatt Avenue.*
- *Maryatt Avenue: 3 storeys with a mix of flats and houses, creating a variation in the roof form and respecting existing 2 storey housing to the south.*
- *Rayners Lane: 2-3 storey houses arranged in short terraces, providing views through to the central landscaped space beyond. 3 storey houses mark the entrance of the pedestrian footpath which links to the Newton Farm Ecology Park, with access to these dwellings along the route.*

The application proposes a mix of two, three and four storey buildings, with the tallest elements at the north of the site. These would be adjacent to existing four storey buildings of other phases of the development, and as such are considered acceptable. The site would then have a mix of two and three storey buildings which would respond well to the surrounding buildings. Members may wish to note that initial proposals for the site included an eight storey high building in the north east corner of the site, which Officers advised would not be appropriate in this location. It is positive that these recommendations have been adhered to by the applicant.

Appearance

This is an outline application, and details of appearance are not for consideration at this stage. Nevertheless, in accordance with the regulations, the applicant has supplied information showing how the design of the development could be considered.

The applicants Design and Access Statement explores a range of materials relating to the location, based on the following principles:

- *Built forms that respect the character of the surrounding context.*
- *Variations in roof form to create visual interest and maximise potential for mounting photovoltaic panels on roofs at optimum angles.*
- *A robust primary brickwork to the external faces of the development at ground level with a contrasting brickwork above ground level.*
- *A secondary material to the rear of buildings and to courtyard areas.*
- *Slate roofs to houses*
- *Entrances to stair cores to flat blocks 1 and 6 will be glazed to enhance the visual permeability which was a priority established as part of the urban design strategy. Glazing will allow views through into courtyards, and circulation will be a contrasting colour, to mark entry points.*
- *Recessed balconies will be clad with a contrasting material that gives depth to the façade. Protruding balconies will have a lighter finish than that of the brick, with a solid front panel to provide privacy within the dwelling and glazed sides.*
- *Part of the roofs will be used as terraces to the upper flats with balustrades set back from the parapet edge to reduce potential privacy issues. Roofs that are not used as terraces will be green or brown roofs to reduce rainwater runoff, enhance the thermal performance and encourage biodiversity. As part of the energy strategy it is proposed that photovoltaic panels are provided to south facing roofs which have been angled to provide the optimum performance for the panels.*

It is noted the GLA Stage 1 response, whilst not raising an in principle objection with the proposed appearance of the buildings (and stating that the “*design quality is good in terms of layout, scale and massing definition and provision of public space*”), does identify some areas of concern that could be improved. They have stated that the ‘unfussy’ nature of the elevations works against them, such that additional detailing would benefit them. They have stated that certain elevations would benefit from having additional openings or detailing, especially where there are large areas of unrelieved brickwork visible in the public domain.

The comments of the GLA are noted, and the applicant can of course take them into account when submitting detailed planning applications, should this outline permission be granted. As set out above, appearance is not a matter for consideration at this stage, but a note to the applicant to this effect should be put on the decision notice should the application be granted. It is of course noted that a full planning application has been made for part of this site, and this is currently being considered by Officers. These issues will be addressed separately as part of this application.

A planning condition is recommended that would require details of a strategy for the provision of communal facilities for television reception, such as aerials, dishes and other such equipment. This condition would also prohibit any further satellite dishes and other paraphernalia, that can lead to an adverse impact on the appearance of buildings once they have been constructed.

Overall, it is considered that the proposed design of the buildings is appropriate for the scale, size and urban context of the development. The evolution of the design through the development process has resulted in a design that overall, is considered to meet the objectives within NPPF (2012), acceptably addresses the criteria within The London Plan (2011) policies 7.4B and 7.6B, saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD):

Residential Design Guide (2010).

4) Residential Amenity

Policy 7.6B, subsection D, of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

It is noted that no objections to the application were received from neighbouring occupiers. The existing buildings are all four storey in height, and proposed application would actually lead to a reduction in height of the buildings across large areas of the site. A BRE compliant Daylight and Sunlight report has been submitted in support of the application. This concludes that of the 175 Windows of neighbouring buildings assessed, 164 of these would not be impacted insofar BRE guidance is concerned. Of the 11 windows that are affected, the report states that the impact from only be marginally outside of the 20% permissible reduction between the existing close levels, and that is also provided for within the guidance. The report concludes that the marginal losses are not considered to be significant.

On this basis, it is considered that the proposed scheme would comply with the London Plan (2011) and Council's adopted Supplementary Planning Document (SPD): Residential Design Guide (2010), and as such is considered to be acceptable in this regard.

Living Conditions for Future Occupiers

Harrow Core Policy CS1 (Overarching Policy) K states that the Council will require a high standard of residential design and layout consistent with the London Plan (2011) and associated guidance. In mixed tenure schemes a consistent standard of design and layout will be required throughout the development.

The Mayor's interim London Housing Design Guide (LHDG) was compiled after extensive consultation on a draft guide launched by the Mayor in July 2009. Whilst it applies to grant funded housing and London Development Agency development, its guidelines are considered by the Mayor to be best practice in residential design. Additionally, the principles of the Guide have been written into the newly released draft Housing SPG (EiP consultation version), in support of policy 3.5 of the now adopted London Plan (2011). Policy 3.5 sets out that new housing development should comply with Table 3.3 in The London Plan (2011), which in turn sets out minimum space standards for dwellings of different sizes. Paragraph 3.36 of The London Plan (2011) states that these figures are *"based on the minimum gross internal floor area (GIA) required for new homes relative to the number of occupants and taking into account commonly required furniture and the spaces needed for different activities and moving around, in line with the Lifetime Home standards."*

The Council has adopted Supplementary Planning Document (SPD): Residential Design Guide (2010) also sets out minimum Gross Internal Areas (GIA) for different size residential units.

The application documents suggest that all of the proposed residential units would meet the minimum internal floor space standards required by the above planning policies.

Saved Policies D4 and C16 of the Harrow Unitary Development Plan (2004) and policy

3.8 of The London Plan (2011) seeks to ensure that all new housing is built to Lifetime Homes standard. The London Plan (2011) policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion. Appeal decisions in Harrow confirm that this policy can be given significant weight when assessing planning applications. As such, all new homes must meet 'Lifetime Home' standards and at least 10 per cent must achieve the enhanced 'Wheelchair Home' standards.

The applicant has confirmed that all of the dwellings would meet the Lifetimes Homes standards, and that 10% would meet Wheelchair Homes standards. This is considered acceptable, and would meet the policy objectives of The London Plan (2011) and the Harrow Unitary Development Plan (2004), together with the adopted SPG.

The London Plan (2011) policy 3.6 seeks to ensure that children have safe access to good quality, well designed, secure and stimulating play and informal recreation provision. London Plan Supplementary Planning Guidance: Providing for Children and Young People's Play and Informal Recreation' requires well designed play and recreation space for every child to be accommodated in new housing development. Policy D5 of the Harrow Unitary Development Plan (2004) requires new residential development to provide suitable amenity for future occupants. This is also a requirement of policy D4 of the Harrow Unitary Development Plan (2004).

It is noted that the GLA have raised concern with the information submitted regarding the provision of Children's Playspace, in the context of the above London Plan policy. They have stated that the child yield for the development would be 29, and based on the guidance of 10 sqm per child, 290 sqm of play space and associated facilities should be provided.

The application proposes an area of open space in the centre of the development. This would measure approximately 863 sqm. Whilst landscaping is a reserved matter, detailed plans have been submitted showing how the landscaping could work for the site. These do not indicate any form of play space in this area at this time. However, it is also noted (as have the GLA) that a teenage friendly zone along with open space has been already been provided in the main site (located to the immediate north east of the application site), as has a local equipped play area (LEAP) along Swift Close.

The applicant has stated that *"the central space has been designed as a flexible space to accommodate a range of activities including informal play. The central grassed area is 388 sqm and is suitable for play so could be considered as part of this quota. Seating has been provided for carers and in addition, the planting to the south of the grassed area has been selected for its sensory qualities. We could also consider the introduction of some play boulders and logs to emphasise the play value of the space. This would provide an integrated approach to play and enable the space to retain its flexible nature and in our opinion would reflect the guidelines provided by the Mayor of London's SPG Providing for children and young people's play and informal recreation."*

On this basis, it is considered that details of the play space and equipment can be secured by way of a planning condition, and therefore that the application is acceptable in this regard.

Overall, the proposed development is considered acceptable in terms of the living conditions of future occupiers, and would meet the policy objectives of the relevant Development Plan policies, subject to the aforementioned planning conditions.

Some of the residential properties proposed would be classified as flats, and therefore would not benefit from Permitted Development rights. As such, any future works (which are considered unlikely given the nature of development) would require planning permission. However, in relation to the proposed dwellinghouses, it is considered prudent to impose a condition restricting Permitted Development such that the impacts of any possible future extensions in terms of neighbouring amenity (and the character of the area), can be fully considered by the Council. Furthermore, notwithstanding the submitted details, precise details of the levels of the building, internal road and footpaths in relation to the adjoining land and highways would be required through a planning condition, to ensure that the development, when carried out, reflects the assumptions made in this assessment having regard to these matters.

Therefore, it is considered that in this highly urbanised environment, where the mix of residential sit side-by-side, in terms of the impacts on the adjacent occupiers, the application is, on balance, acceptable and consistent with The London Plan (2011) policy 7.6B, saved policy D5 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

5) Traffic and Parking

The NPPF sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of reducing the need to travel, and encouraging public transport provision to secure new sustainable patterns of transport use.

Paragraph 29 of the NPPF states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The NPPF maintains a town centre first approach and encourages the development of sites close to good public transport at higher densities. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

Paragraph 33 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The London Plan (2011) Policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. The Parking Addendum to Chapter 6 of The London Plan (2011) sets out maximum parking standards for new development dependant upon their use and level of public transport accessibility.

Core Policy CS1 (Overarching Policy) Q/R/S set out the following:

Q. The Council will work with Transport for London and other appropriate authorities to secure enhancements to the capacity, accessibility and environmental quality of the transport network in accordance with the Local Investment Plan and to improve orbital connectivity between neighbouring boroughs. Highway investment will focus on junctions with identified existing or future capacity constraints where these support economic development reliability and general operating conditions of buses.

R. Parking for new development will be managed to contribute to the delivery of a modal shift from the private car to more sustainable modes. The Development Management Policies DPD will give local interpretation of London Plan parking standards and detail requirements for sustainable Travel Plans.

S. Over-development of sites with a low public transport accessibility rating will be resisted. Higher densities will be considered appropriate where the proposal involves the redevelopment of a previously-developed site of strategic significance and can secure improvements to local transport sufficient to enhance the public transport accessibility level of the site.

Saved policy T6 of the Harrow Unitary Development Plan (2004) requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

The Council's Highway Authority has reviewed the application, and confirmed that there is no objection in principle. The following detailed comments have been made:

Car Parking

It is noted that the GLA Stage 1 response (and TfL) have stated that they consider that there is an over provision of parking, and they would wish to see overall parking quantum reduced from the proposed 151 to 122 in order to fall in line with the original parking ratio of 0.8 spaces per unit determined at the outline permission stage in 2002.

The total number of on-site parking spaces equates to 151 for the new C3 use which consists of 152 mixed residential units. The overall parking ratio is marginally higher than that proposed at the outline planning permission granted in 2002, however it is considered that a reasonable balance between parking restraint and scheme viability has been achieved given the site's relatively low accessibility level, in public transport terms, of PTAL 2. The level of provision falls within London Plan 2011 parking standards and hence is considered acceptable. It is important to note that the provision of car parking at this level is intended to in part prevent some of the existing parking problems that have been created by an undersupply as part of the previous phases of the development. This philosophy is reinforced by the 2011 revisions to PPG 13 (and reflected in the NPPF) which suggest that a higher level of parking provision for C3 residential uses may be appropriate in order to help to ensure that unfettered and haphazard parking throughout the site area does not arise which otherwise would be of detriment to achieving overall exemplary design aims for this or any comparable application.

On this basis and considering that the level of provision broadly falls within London Plan 2011 parking standards, the final quantum of proposed provision is considered acceptable. A parking management plan would be conditioned as recommend by TfL.

Disabled parking and Electric Charging Point provisions are to fall in line with London Plan 2011 standards and are conditioned accordingly.

The location is not within a CPZ and hence a resident permit restriction cannot be applied as requested by TfL.

The parking bays are arranged in various designs with space allocations within individual plots for houses, private (not to be adopted) 'parallel to kerb' space provisions and some 'courtyard' arrangements serving the flatted elements. The spaces for the latter two provisions will be sold on a demand basis hence new residents who do not own a vehicle will not have automatic allocation thus helping to preserve a parking restraint ethos which is encouraged. This arrangement will be operated and controlled by the site management company. The proposed arrangements are broadly acceptable in design layout and operational terms.

Blue badge disabled bay provision should amount to approximately 5-10 spaces allocated throughout the site and is to be secured accordingly via appropriate condition.

Cycle Parking

There should be a provision of 196 secure spaces to serve the tenure mix in accord with the London Plan 2011. These provisions would be secured by appropriate condition.

Traffic Generation

Trip generation from this phase of the development has been appraised and accepted as part of the vetting of the 2002 outline permission. The analysis was based on the net change in traffic generation as compared with the existing and replacement housing units which, in summary, was marginal. However the moderately higher parking provision now proposed is likely to generate some additional vehicular activity and is therefore further considered.

An overall increase of 28 parking spaces is proposed for the 152 units hence as an unrealistic worst case scenario this would result in one additional trip approximately every two minutes into and out of the site area during peak periods. Considering this is a replacement build and once traffic flow redistribution and reassignment is factored in, the net additional impacts on the highway network are predicted to be minimal and envisaged to be imperceptible as compared to the original outline permission baseline. The proposal is therefore considered acceptable in this respect.

Site access/Internal road layout and refuse/servicing arrangements

Two new vehicular access/egress points would be achieved with one located on the southern boundary (onto Maryatt Avenue) and one on the northern boundary (onto Tranquil Lane). Both access/egress points are considered acceptable in terms of the low quantum of proposed vehicular activity and safety parameters relating to sight-line inter-visibility between motor vehicles and pedestrians.

The main access roads into the site at both entry/exit points would be adopted by the Council post-permission, however all the remaining road space would remain private. In the case of the latter the road space provided is designed to minimal dimensional specification and as such promotes low vehicular speeds throughout the site. This is

welcomed as this supports the proposed Home Zoning ethos which is to be introduced within the unadopted road space in order to encourage pedestrian priority over the motor vehicle. Adequate road space is allocated to allow refuse/service vehicles to traverse through the site without impedence with suitable turning facilities provided at several junctures within the site envelope. Refuse and similar scale vehicles such as fire appliances would enter and leave the site in a forward gear which is the recommended national best practice and is therefore considered a positive improvement to previous below standard access provisions and is thus welcomed.

Pedestrian Permeability

This would now be improved as compared to the original development layout which did not effectively promote pedestrian movements through the site. A green link which forms part of the Council's Green Grid initiative would be introduced between the new green space centred within this phase G and the Newton Farm Ecology park located to the west of the site.

To achieve this connectivity a substantive new footway would run east to west within the site thereby facilitating this pedestrian 'Green Link' connection. In order to complete this link and allow safe movement across Rayners Lane it is proposed to introduce a raised speed table at this juncture. This will allow for the accommodation of additional anticipated footfall permeation as promoted by the Department for Transport approved best practice (Manual for Streets 2007).

Proposed highway revisions to Rayners Lane

In order to facilitate the development footprint on the Rayners Lane frontage it is proposed to remove the mini-roundabout located directly outside the Tithe Farm Social Club. This will allow for the carriageway to be realigned and straightened to accommodate a new footway provision. This reconfiguration allows for a maximisation of the development area which is brought forward onto Rayners Lane beyond current site boundaries and thus gives the opportunity for providing individual on-site parking spaces for several of the housing units fronting this section of Rayners Lane. To facilitate the carriageway and footway realignment/ re-provision, an area of public highway would require 'stopping up' and within this site context is considered acceptable in principle. Statutory processes would commence post-permission.

As the existing mini-roundabout was primarily introduced as a speed reducing feature it's removal and function would be counter-balanced by the provision of a 'bus friendly' speed table with suggested positioning approximately 50 m north of the existing roundabout. This would be supplemented by a similar provision 80 m south which also facilitates the 'Green Link' crossing as outlined under the 'Pedestrian Permeability' appraisal.

The principle of 'bus friendly' speed tables is accepted however adjustment in the proposed positioning is recommended hence 3 tables should be positioned at the following junctions:-

1. Rayners Lane/Tranquil Close.
2. Rayners Lane /'Green Link' crossing.
3. Rayners Lane/Maryatt Avenue

In addition an intermediate table would be provided between locations 1 and 2.

The mini-roundabout at the Rayners Lane junction with Maryatt Avenue will be removed and will revert to a priority junction favouring Rayners Lane.

All the proposed highway works would be executed under a Section 278 (Highways Act 1980) legal agreement at no cost to the Council.

Construction Logistics Plan (CLP)

As for the previous regeneration phases a full CLP will be a requirement to be secured under a planning condition given the site constraints and neighbouring residential area during construction.

Travel Plan

A full residential Travel Plan will be submitted post permission and secured under a S106 agreement.

Conclusion

The concerns raised by TfL (and consequently the GLA) are noted. However, it is the view of the Highway Authority that the parking provision is acceptable and has been design in part in response to problems that have been created through the over regulation of car parking in previous phases of the development. Similarly, the works to the public highway are considered acceptable. Other matters would be controlled through the appropriate use of planning conditions. It is therefore concluded that the application is acceptable in transport terms.

6) Development and Flood Risk

6.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (para 100). Saved policy EP12 of the Harrow Unitary Development Plan (2004) states that development likely to result in adverse impacts, such as increased risk of flooding, river channel instability or damage to habitats, will be resisted. The reasoned justification (3.47) goes on to state that susceptibility of land to flooding is a material planning consideration.

The site is located within Flood Zone 1 (the least vulnerable zone) and the application represents operational development on greater than 1Ha of land, and as such a comprehensive Flood Risk Assessment (FRA) has been submitted. The Environment Agency (EA) has reviewed the FRA and have raised no objections to the development on this basis, subject to a suitable planning condition.

In conclusion, there are no significant flood risk and associated issues that would be created by way of the proposed development. Planning conditions are recommended in relation to surface water run-off and drainage that would mitigate the effects of the development.

7) Sustainability

The NPPF advises that when determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy

supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption

Policy 5.1 of The London Plan (2011) seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Policy 5.2A/B of The London Plan (2011) sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A. Overall, The London Plan (2011) requires a 25% reduction in carbon dioxide emissions over Building Regulations 2010 Target Emissions Rate (TER), and to achieve Code for Sustainable Homes (CSH) Level 4 (for residential) and BREEAM Very Good (for the commercial uses).

Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009).

The applicant has submitted an Energy Statement, which explores the various sustainability options for the development and advises of what measures are recommended.

The Energy Statement sets out a three stage approach, where Stage 1 explores the use of passive measures to reduce the energy generation / consumption of the building through 'passive' measures; Stage 2 explores whether the development can support the use of a Combined Heat and Power (CHP) to supply electricity; finally, Stage 3 highlights the various renewable energy sources that be used on the site.

The Energy Statement sets out the following key measures that would be undertaken with the development:

- All dwellings to achieve Level 4 of the Code for Sustainable Homes.
- All passive measures to reduce the carbon emissions are shown in Table 3 and under paragraph 9.4. The fabrics U-value are 'much better' than maximum allowed/recommended values by Building Regulations. In terms of lighting, applicant proposes all low energy lighting, and recommended medium mass type of construction to help with passive cooling. In addition there will be window opening, which assist with passive single/cross ventilation.
- Proposes installing approximately 124kWp (990–1250 sq m) of photovoltaic panels. An initial assessment of the roof level shows there should be about 2500 sq m of south facing roof space which can be used to accommodate the panels.
- Installing approximately 124kWp (990–1250 sq m) of photovoltaic panels will reduce the dwellings' carbon dioxide emission by 23% when compared to the 'Be Lean' dwellings, and 25.20% better than TER.

The GLA have confirmed in their Stage one response, that the applicant has broadly followed the energy hierarchy, and that they have provided sufficient information to be to understand proposals as a whole. As such, they consider the proposals to be poured unacceptable. However, they have requested further information in relation to the carbon savings, so that they can be verified. This information has been provided to the GLA (and the Council), and at this time there response is still outstanding.

The proposed sustainability measures are considered acceptable, taking into account the overall carbon dioxide savings that they would (subject to confirmation) achieve in relation

The London Plan (2011) requirements. To ensure compliance with the above planning policies, it is recommended that a planning condition is imposed to address sustainability matters and ensure that the development will achieve the appropriate level to meet the Code for Sustainable Homes standards.

8) S17 Crime & Disorder Act

Policy D4 of the Harrow Unitary Development Plan (2004) advises that crime prevention should be integral to the initial design process of a scheme. Policy 7.3 of The London Plan (2011) seeks to ensure that developments should address security issues and provide safe and secure environments.

The application would lead to the redevelopment of a large area of vacant flats, which can often be a magnet for antisocial behaviour. As such, the application is welcomed from this point of view. In addition to this, the development would lead to 152 private residential units, in an area where there are high levels of social housing. This development therefore would lead to the rebalancing of the mix of tenures that in the area.

9) Planning Obligations

Policies 8.1 and 8.2 of The London Plan (2011) seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. Developers will be expected to meet the full cost of facilities required as a consequence of development and to contribute to resolving deficiencies where these would be made worse by development.

A payment or other benefit offered pursuant to a Section 106 Agreement cannot be required unless it complies with the provisions of the Community Infrastructure Levy Regulations 2010 (Regulation 122), which provide that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The NPPF provides further amplification on the Government's position regarding the use of planning obligations, setting out the same tests as above, and advising that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Members should note that Section 143 of the Localism Act (2011) came into force on the 15/01/2012, and introduces 'local finance considerations' as a material consideration in planning decisions. A local finance consideration is defined as "grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown".

The original outline application included a Section 106 for the whole site that included provisions for affordable housing, open space, lifetime homes, community building, phasing and completion, cost recovery, training and employment, transport measures, construction access, flooding, compulsory purchase and s.38 and s.278 agreements. A further Deed of Variation was entered into to control the amendments made to the masterplan in 2008 (the deed was actually signed in 2010).

Given that financial contributions have already been agreed in relation to the overall delivery of the housing numbers for the site, that the open space on this part of the site

would not be public adopted (it would be maintained by a management company), and that no affordable housing is being provided in this phase, it is considered that a Section 106 Agreement is not required, and therefore the application is consistent with the requirements of polices 8.1 and 8.2 of The London Plan (2011) and Core Policy CS1 (Overarching Policy) Z and AA.

10) Impact on Health and Wellbeing

10.1 The proposed development is to be constructed to Lifetimes Homes standard and provides modern, spacious accommodation with acceptable levels of daylight and open space. The development, particularly through the provision of affordable new homes, would enable some of those residents in housing need within the borough to be appropriately housed. The construction and operation of the site would provide opportunities for the development of skills. Insofar as the development has impacts upon surrounding properties, these are not considered to result in serious or adverse implications on the occupants health and wellbeing.

11) Consultation responses

N/A

12) CONCLUSION

As the final phase of the wider site redevelopment, the proposed development would contribute to the regeneration of the Rayners Lane Estate through replacement of existing poor quality housing stock. The proposal would deliver a mix of small family houses and a number of one and two bedroom apartments to address the specific housing needs of the Rayners Lane Estate, in accordance with the National Planning Policy Framework, The London Plan (2011), Harrow's Core Strategy (2012) and Unitary Development Plan (2004). The proposed development would provide a modern contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for the future occupiers of the development. Given the layout of the proposed development and separation to shared boundaries, the impact upon residential amenity in surrounding areas is considered to be acceptable.

Officers consider that for the reasons above and having regard to all of the material submitted, the representations received and the national and Local "Development Plan" context, the application can be recommended positively for approval subject to a S106 agreement and a suite of planning conditions. The application is also required to be referred to the Mayor of London for consideration in accordance with article 4(1) of the Town and Country Planning (Mayor of London) Order 2008 (as amended).

CONDITIONS

1 The development shall be begun not later than three years from the date of this permission or two years from the final approval of the first Reserved Matters application, whichever is the later.

Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

2 This permission shall lapse unless the first Reserved Matters application is made within two years of the date of this permission.

Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

3 Approval of the details shown below (the Reserved Matters) for each phase of

development shall be obtained from the local planning authority in writing before any development in that phase is commenced:

a) appearance

b) landscaping

Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

4 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

a: facing materials

b: balcony treatment

c: the ground surfacing

d: the boundary treatment

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

5 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works, including details of on site play equipment. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the 5 development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

7 No site works or development shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

8 Notwithstanding the submitted details, before the first occupation of the building hereby permitted, details of the facilities for the secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority, provided prior to the development

being first occupied and retained thereafter.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with PPS1 and its supplement Planning and Climate Change, PPG13 and Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

9 No goods, materials, plant or machinery shall be stored within the car park of the approved development without the prior written permission of the Local planning authority.

REASON: In the interests of amenity and to ensure that the areas dedicated for parking and servicing and landscaping within the site are retained, in accordance with saved policies D4 and T6 of the Harrow Unitary Development Plan (2004).

10 Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of Level 4 of the Code for Sustainable Homes (or successor) for the residential units, which includes details of siting, design and noise levels of any equipment, the reduction of baseline CO₂ emissions by 20%, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with the NPPF, Policies 5.1, 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A of The London Plan (2011), saved Policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document Sustainable Building Design (2009).

11 The development hereby permitted shall not be commenced until the disposal of surface water and surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding in accordance with the objectives set out under saved policy EP12 of the Harrow Unitary Development Plan (2004).

12 A Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition taking place on the site and the demolition of the buildings and structures on the site shall be carried out in accordance with the approved Demolition Method Statement.

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with policies D4, T6 and EM25 of the Harrow Unitary Development Plan (2004).

13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities

- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

14 No development shall take place, including any works of demolition, until a Construction Logistics Plan (CLP) has been submitted to, and approved in writing by, the local planning authority. The approved CLP shall be adhered to throughout the construction period.

REASON: To manage the impact of the development in terms of the traffic movements upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

15 The 152 homes in this development, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards, and thereafter retained to those standards. A minimum of 10% (15) of the dwellings shall be built to Wheelchair Homes Standards.

REASON: To ensure provision of 'Lifetime Home' / Wheelchair' standard housing in accordance with policies 3.8 and 7.2 of The London Plan (2011), Harrow Core Policy CS1 (Overarching Policy) K and Saved Policies D4 and C16 of the Harrow Unitary Development Plan (2004).

16 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: To safeguard the appearance of the locality in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

17 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan (2004), and Section 17 of the Crime & Disorder Act 1998

18 Prior to the substantial completion of the approved buildings, details of a strategy for the provision of communal facilities for television reception (eg. Aerials, dishes and other such equipment) shall be submitted to and approved by the Local Planning Authority.

Such details to include the specific size and location of all equipment. The approved details shall be implemented prior to first occupation of the building and shall be retained thereafter and no other television reception equipment shall be introduced onto the walls or roof of the approved building without the prior written approval of the Local Planning Authority. Notwithstanding the provisions of the Part 25 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no other television reception equipment shall be introduced onto the walls or roof of the approved building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building to the detriment of the visual amenity of the area in accordance with saved Policy D4 of the Harrow Unitary Development Plan (2004).

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and to safeguard the amenity of neighbouring residents, in accordance with saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004).

20 The development hereby permitted shall be carried out in accordance with the following approved plans:

2920-D-005 Rev P3, 2920-D-010 Rev P5, 2920-D-011 Rev P3, 2920-D-015 Rev P11, 2920-D-016 Rev P5, 2920-D-017 Rev P3, 2920-D-018 Rev P3, 2920-D-030 Rev P3, 2920-D-031 Rev P4, 2920-D-032 Rev P4, 2920-D-035 Rev P2, 2920-D-036 Rev P2, 2920_L_900 Rev P8, 2920_L_901 Rev P6, 2920_L_902 P2, 2920_L_903 Rev P2, 2920_L_904 Rev P2, 2920_L_905 Rev P2, 2920_L_906 Rev P2, Design and Access Statement , Arboricultural Report, Arboricultural Method Statement, Arboricultural Implications Assessment, Construction Management Plan, Daylight and Sunlight Report, E/2969/100 Rev P2, E/2435/07L (Drainage Plan, Flood Risk Assessment), Land contamination assessment, Sustainability Statement Report, Energy Strategy Report, Code Pre-Assessment Report, Code for Sustainable Homes Assessment Ecology Report, Road Safety Audit, Transport Assessment, 12464/T&S Topographic and Services Plan

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

As the final phase of the wider site redevelopment, the proposed development would contribute to the regeneration of the Rayners Lane Estate through replacement of existing poor quality housing stock. The proposal would deliver a mix of small family houses and a number of one and two bedroom apartments to address the specific housing needs of the Rayners Lane Estate, in accordance with the National Planning Policy Framework, The London Plan (2011), Harrow's Core Strategy (2012) and Unitary Development Plan (2004). The proposed development would provide a modern contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for the future occupiers of the development. Given the layout of the proposed development and separation to shared boundaries, the impact upon residential amenity in surrounding areas is considered to be acceptable.

The following policies are relevant to this decision:

National Planning Policy Framework 2012

The London Plan (2011):

- 2.7 – Outer London: Economy
- 3.1 – Ensuring equal life chances for all
- 3.3 – Increasing housing supply
- 3.4 – Optimising housing potential
- 3.5 – Quality and design of housing developments
- 3.8 – Housing Choice
- 3.9 – Mixed and balanced communities
- 3.11 – Affordable Housing Targets
- 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 4.12 – Improving Opportunities for all
- 5.1 – Climate change mitigation
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.7 – Renewal energy
- 5.9 – Overheating and cooling
- 5.10 – Urban greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 6.1 – Strategic approach
- 6.2 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 7.1 – Building London's neighbourhoods and communities
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture
- 7.7 – Location and design of tall and large buildings
- 7.13 – Safety, security and resilience to emergency
- 7.14 – Improving air quality
- 7.15 – Reducing noise and enhancing soundscapes
- 8.1 – Implementation
- 8.2 – Planning obligations

Harrow Core Strategy (2012)

- CS1 B/C/D/E Local Character
- CS1 G Open Space, Sport and Recreation
- CS1 H/I/J/K Housing
- CS1 N/O/P Economic Development and Employment
- CS1 Q/R/S Transport
- CS1 T Responding to Climate Change
- CS1 U Sustainable Flood Risk Management
- CS 1X Sustainable Waste Management
- CS 1 Z/AA/AB Infrastructure

Harrow Unitary Development Plan (2004):

S1 – The Form of Development and Pattern of Land Use
SEM1 – Development and the Boroughs Regeneration Strategy
D4 – The Standard of Design and Layout
D5 – New Residential Development – Amenity Space and Privacy
D9 – Streetside Greenness and Forecourt Greenery
D23 – Lighting
H7 – Dwelling Mix
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards
EP12 – Control of Surface Water Run-Off
EP25 – Noise
C16 – Access to Buildings and Public Spaces
C17 – Access to Leisure, Recreation, Community and Retail Facilities

Other Relevant Guidance:

Supplementary Planning Document: Residential Design Guide (2010)
Supplementary Planning Document: Accessible Homes (2010)
Supplementary Planning Document Sustainable Building Design (2009)
Supplementary Planning Document: Access for All (2006)
Code of Practice: Refuse Storage and Collection of Domestic Refuse (2008)

2 Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £431,620 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and Section 211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of £431,620 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 12,332 sqm

You are advised to visit the [planningportal](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

3 CONSIDERATE CONTRACTOR CODE OF PRACTICE

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

4 PARTY WALL ACT:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or

building regulations approval.

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from:
Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote **Product code:** 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

5 THAMES WATER:

There may be public sewers crossing / adjacent to the site, so any building within 3m of the sewers will require an agreement with Thames Water Utilities. The applicant should contact the Area Service Manager, Mogden, at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure. Tel: 0645 200 800

6 PERMEABLE PAVING:

Note: guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

7 ENVIRONMENT AGENCY NOTE:

This development is located within an area of serious water stress due to limited water resources in the local area and high and growing demand for water. We therefore suggest you investigate the use of water efficiency measures and aim to achieve 105 litres/head/day (l/h/d), equivalent to level 3/4 for water within the Code for Sustainable Homes.

Achieving a water efficiency standard of 105l/h/d within new homes can be accomplished at very little extra cost (under £125 extra per home^{1[1]}) and typically only involves low/dual flush toilets, low flow/aerated taps and showerheads and efficient appliances (dishwasher and washing machines) and does not require more expensive rain or greywater technologies. The Government's 'Water Calculator' provides information on how to achieve and assess water efficiency within new homes:

http://www.planningportal.gov.uk/uploads/br/water_efficiency_calculator.pdf

1[1] London's draft Water Strategy, GLA, 2009

<http://legacy.london.gov.uk/mayor/environment/water/docs/draft-water-strategy.pdf>

As the proposed development is over six stories we believe that deep piling may be used. Deep piling can result in physical disturbance of aquifers and pose a pollution risk to controlled waters. If piling is proposed, the chosen method must not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers.

Due to the number of car parking spaces proposed please also refer to our guidance on using oil separators within the drainage scheme.

8 COMPLIANCE WITH PLANNING CONDITIONS

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

- Carrying out works in breach of such a condition will not satisfy the requirement to

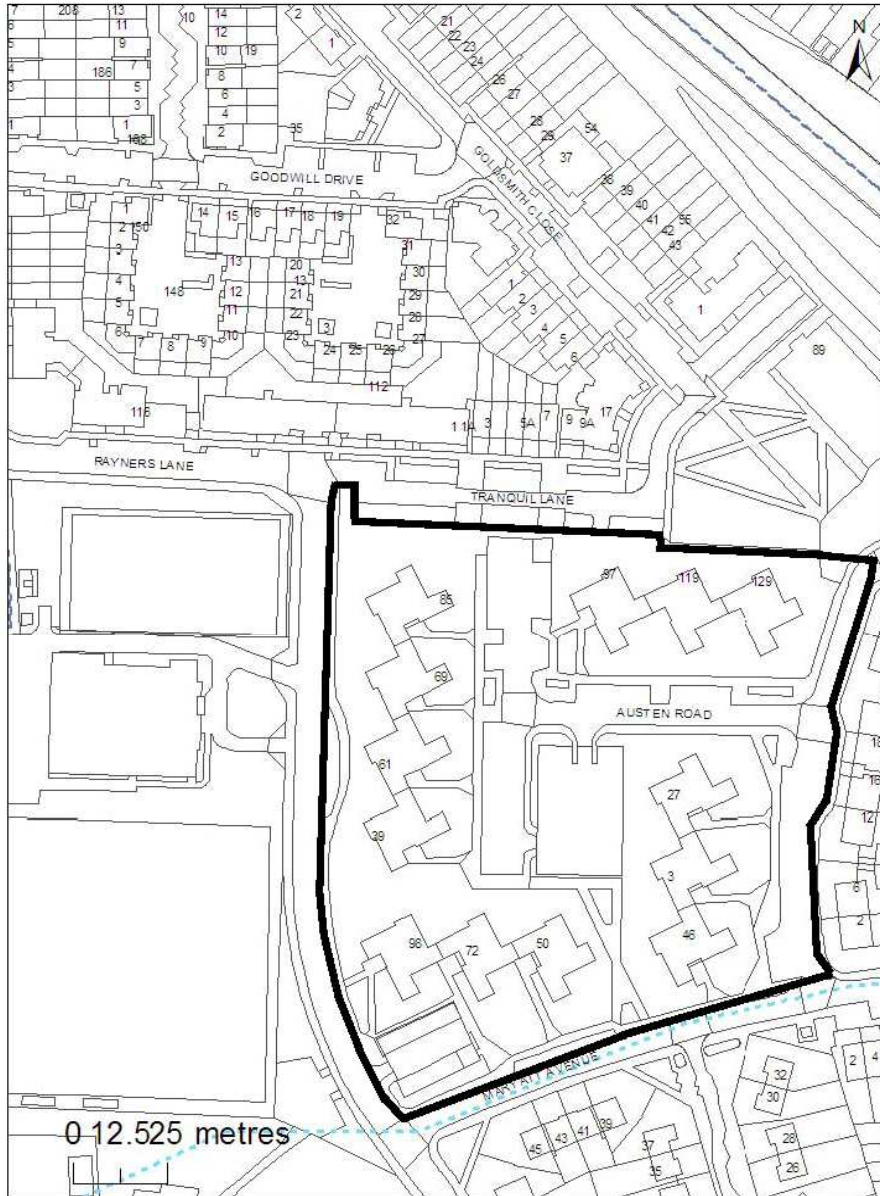
commence the development within the time permitted.

- Beginning development in breach of a planning condition will invalidate your planning permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: 2920-D-005 Rev P3, 2920-D-010 Rev P5, 2920-D-011 Rev P3, 2920-D-015 Rev P11, 2920-D-016 Rev P5, 2920-D-017 Rev P3, 2920-D-018 Rev P3, 2920-D-030 Rev P3, 2920-D-031 Rev P4, 2920-D-032 Rev P4, 2920-D-035 Rev P2, 2920-D-036 Rev P2, 2920_L_900 Rev P8, 2920_L_901 Rev P6, 2920_L_902 P2, 2920_L_903 Rev P2, 2920_L_904 Rev P2, 2920_L_905 Rev P2, 2920_L_906 Rev P2, Design and Access Statement , Arboricultural Report, Arboricultural Method Statement, Arboricultural Implications Assessment, Construction Management Plan, Daylight and Sunlight Report, E/2969/100 Rev P2, E/2435/07L (Drainage Plan, Flood Risk Assessment), Land contamination assessment, Sustainability Statement Report, Energy Strategy Report, Code Pre-Assessment Report, Code for Sustainable Homes Assessment Ecology Report, Road Safety Audit, Transport Assessment, 12464/T&S Topographic and Services Plan

1 ELIOT DRIVE, HARROW



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Item No. 1/02

Address: KRISHNA-AVANTI PRIMARY SCHOOL, CAMROSE AVENUE,
EDGWARE

Reference: P/0046/12

Description: VARIATION OF CONDITION 14 (USE CLASS RESTRICTION) OF
PLANNING PERMISSION REF: P/1282/07 DATED 8 APRIL 2008
FROM 'THE LAND AND BUILDINGS, EXCEPT FOR THE MULTI USE
PLAYING AREAS SHALL BE USED FOR THE PURPOSE SPECIFIED
ON THE APPLICATION AND FOR NO OTHER PURPOSE OR FOR
THE HIRE OF THE PREMISES FOR ANY PURPOSE, INCLUDING
ANY OTHER PURPOSE IN CLASS D1 OF THE SCHEDULE TO THE
TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987
(OR IN ANY PROVISION EQUIVALENT TO THAT CLASS IN ANY
STATUTORY INSTRUMENT REVOKING AND RE-ENACTING THAT
ORDER WITH OR WITHOUT MODIFICATION)' TO 'THE LAND AND
BUILDINGS, EXCEPT FOR THE MULTI USE PLAYING AREAS SHALL
BE USED FOR PRIMARY EDUCATION ONLY AND FOR NO OTHER
PURPOSE OR FOR THE HIRE OF THE PREMISES FOR ANY
PURPOSE, INCLUDING ANY OTHER PURPOSE IN CLASS D1 OF
THE SCHEDULE TO THE TOWN AND COUNTRY PLANNING (USE
CLASSES) ORDER 1987 (OR IN ANY PROVISION EQUIVALENT TO
THAT CLASS IN ANY STATUTORY INSTRUMENT REVOKING AND
RE-ENACTING THAT ORDER WITH OR WITHOUT MODIFICATION)'

VARIATION OF CONDITION 19 (RESTRICTION OF USE OF SCHOOL
BY PUPILS AND STAFF ONLY) OF PLANNING PERMISSION REF:
P/1282/07 DATED 8 APRIL 2008 FROM 'THE SCHOOL HEREBY
PERMITTED SHALL BE USED SOLELY BY THE PUPILS AND STAFF
AND SHALL NOT BE USED, HIRED OR MADE AVAILABLE FOR USE
BY ANY OTHER PARTY' TO 'THE SCHOOL HEREBY PERMITTED
SHALL BE USED FOR PRIMARY EDUCATION ONLY AND SHALL
NOT BE USED, HIRED OR MADE AVAILABLE FOR USE BY ANY
OTHER PARTY'

Ward: EDGWARE

Applicant: The I-Foundation

Agent: ABT Planning & Highways Consultancy

Case Officer: Nicholas Ray

Expiry Date: 01-MAY-12

RECOMMENDATION

GRANT planning permission for the variation described in the application, subject to conditions.

REASON

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposal is considered to comply with the relevant education policies and would enable the provision of education at this successful state school in the form of a new free school, as well as allowing appropriate school related events. It is considered that the impact on neighbouring amenity and highway safety would be acceptable.

National Planning Policy:

National Planning Policy Framework 2012 (NPPF)
Policy Statement – Planning for Schools Development (2011) (PSD)

The London Plan 2011:

3.16 – Protection and Enhancement of Social Infrastructure
6.3 – Assessing Effects of Development on Transport Capacity
6.13 – Parking

London Borough of Harrow Core Strategy 2012:

CS1 – Core Policy
CS8 – Edgware and Burnt Oak

London Borough of Harrow Unitary Development Plan 2004:

EP25 – Noise
D4 – The Standard of Design and Layout
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards
C2 – Provision of Social and Community Facilities
C7 – New Education Facilities

MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2011, Harrow Core Strategy 2012 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)

- 1) Purpose of the Variation and Provision of Education (NPPF, PSD, C2, C7)
- 2) Character and Residential Amenity (EP25, D4, C7)
- 3) Traffic and Parking (NPPF, 6.3, 6.13, T6, T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

This application is reported to Planning Committee as it proposes a variation to conditions on a development that, in the opinion of the Director of Planning, raises potentially substantial amenity issues and therefore falls outside Category 7 of the Scheme of Delegation.

Summary

Statutory Return Type: (E)12 - Smallscale Major Development

Council Interest: None

Site Description

- The site comprises a single storey primary school sited on former playing field land to the south of Camrose Avenue, behind the residential dwellings Nos.89-123 (odd) Camrose Avenue.
- The site is accessed from Camrose Avenue via a vehicle access road, which also provides access to playing fields to the south, which are occupied by Belmont Youth Football Club.
- The school building is predominantly of timber construction and is angled diagonally in its plot, so that it faces the main access road.
- The building comprises three wings arranged around a central courtyard, which is occupied by a temple structure.
- The site has been the subject of levels changes, but originally sloped up from north to south.
- Ancillary play areas, a multi-use games surface, parking, landscaping and flood alleviation structures occupy the rest of the site.
- The Belmont FC access road, to the east of the site, includes 10 'kiss and ride' parking spaces that are used by the school.
- The school is currently limited to one form entry (includes a nursery, reception and year 1 up to year 3) and the number of pupils attending the school is limited by condition to 236.
- The school was approved in 2008 on the basis that it would fill gradually over 6 years (30 pupils a year) and the school role is currently 116 pupils and 16 full time staff.
- However, planning permission was granted earlier this year for expansion to two forms of entry incorporating a single storey classroom extension (ref P/1929/11), although this permission has yet to be implemented.
- Residential dwellings on Appledore/Bideford Close, Camrose Avenue and Broomgrove Gardens back onto the western, northern and eastern boundaries of the site respectively.

Proposal Details

- The original consultation on this application in February 2012 related to the proposal to remove conditions 14 and 19 in their entirety. Following consultation with the school and local residents, the application proposes to vary the wording of the conditions only.
- Condition 14 of planning permission P/1282/07 currently limits the use of the school land for the provision of a one form entry primary school only.
- This application seeks to vary this condition to allow for the provision of more than one form of entry within the existing buildings.
- Condition 19 of planning permission P/1282/07 currently limits the use of the school to only pupils and staff, and for it not to be hired to a third party.
- This application seeks to vary this condition to allow people other than pupils and staff to use the school, whilst retaining the restriction on the hiring of the premises.

Relevant History

P/1282/07

Construction of one form primary school, external works, access & car parking

Granted : 10-MAR-08

P/3434/08

Change of approved levels to planning permission ref: P/1282/07/CFU

Granted : 19-JAN-09

P/1314/11

Certificate of lawful proposed development: detached timber outdoor classroom

Granted : 06-JUL-11

P/1929/11

Expansion of school from one form to two form entry, comprising single storey extension to the west of the main building to create six additional classrooms and ancillary facilities; associated landscaping

Granted : 28-MAR-12

Pre-Application Discussion

- N/A

Applicant Statements

- None.

Consultations:

Highways Authority:

Variation to condition 14: On balance, this variation is accepted on the basis of the most recent extant '2 form entry' permission. The provision of an additional form within the buildings would therefore be acceptable in parking and highway terms.

Variation to condition 19: It is accepted that low-key events such as parent's evenings and other school related activities can be accommodated and it is encouraging that the aspect of hiring to third parties is not on the agenda. So on balance the variations appear to be reasonable.

Site Notice: 30-JUL-12

Expiry: 20-AUG-12

1st Notification on Removal of Conditions:

Sent: 474

Replies: 60

Expiry: 27-FEB-12

2nd Notification on Variation of Conditions:

Sent: 721

Replies: 3

Expiry: 09-AUG-12

Addresses Consulted:

1st notification consultations carried out as per original application (ref P/1287/07). 2nd notification consultations carried out in line with Education Department's consultation on free school provision. This wider area, which the Education Department agreed with the Planning Service prior to consultation, was in response to comments made that the original planning consultation did not go wide enough. The consultation covers properties on Raeburn Road, Westleigh Gardens, Rembrandt Road, Constable Gardens, Broomgrove Gardens, Hogarth Road, Greencourt Avenue, Millford Gardens, Dale Avenue, Cotman Gardens, Orchard Grove, Northolme Gardens, Collier Drive, Bacon Lane, Axholme Avenue, The Chase, Bideford Close, Methuen Road, Tavistock Road, Pembroke Place, Penylan Place, Camrose Avenue, Appledore Close and Haverford Way.

Summary of Response:

2 responses were received in support following the original consultation on the removal of conditions, including a petition of 18 signatures. 58 responses were received in objection. Matters raised were as follows:

- Increase in traffic and parking congestion, and associated pollution;
- Would affect residential amenity, privacy and enjoyment/quality of life;
- Increase in noise and light pollution.

3 responses were received in objection following the second consultation on the current description. Matters raised were as follows:

- Increase in traffic and parking congestion and noise;
- Impact on infrastructure from additional pupils;
- Description of proposal is not clear.

APPRAISAL

1) Purpose of the Variation and Provision of Education

Condition 14

Last autumn, the Government announced that an application by Avanti Schools Trust to open a free school in the borough had been successful. Since then, the Council has been working with the Trust and the Government's Department for Education (DfE) to identify a suitable site. In May this year, the Council agreed a temporary arrangement for the 2012/13 academic year only, whereby two Avanti House reception (5 year old) primary classes can be accommodated at Krishna-Avanti, to supplement the five classes to be accommodated at the Teacher's Centre in Wealdstone.

Condition 14 currently has the effect of restricting the use of the school to one form of entry, so this application seeks to vary the condition to allow use for 'primary education only', thereby allowing additional forms to be accommodated within the existing classrooms.

Saved UDP policy C7 supports the expansion of existing educational facilities, subject to consideration of the need for new facilities in the area, the accessibility of the site and the availability of safe setting down and picking up points within the site. Access and traffic considerations are addressed in more detail below, but it is clear that there is an urgent need to vary this condition in order to accommodate the two reception classes at the school in September. Core Strategy policy CS1.AA recognises the need to deliver a new primary school in the borough.

The Department for Communities and Local Government, in their statement 'Planning for Schools Development', dated August 2011, state that 'the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools' and requires that local authorities make full use of their planning powers to support state-funded schools applications. This is a strong steer from central government that the answer to development proposals for state-funded schools should wherever possible be "yes", subject to no adverse impacts on the amenities of the locality.

Paragraph 72 of the NPPF states that 'the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities', requiring local planning authorities to take a proactive, positive and collaborative approach in this regard.

It is noted that the school was originally approved on the basis that it would fill gradually over a 6 year period, in order to monitor the impact and to enable local residents to get used to the presence of a school. The school has now been operational for 3 years and is yet to reach its current permitted capacity of 236 pupils. It is noted that, as part of this proposal, an additional two classes would be accommodated at the school this September, in addition to Krishna-Avanti's normal role. Detailed consideration of the likely impacts on the amenities of neighbouring residents and highway conditions is undertaken below. It is important to balance these impacts with the benefits associated with the provision of a new free school within the borough, the clear steer from central government and the acknowledged need to improve and expand educational facilities in the Borough.

Condition 19

At present, this condition restricts the use of the school to only pupils and staff. This restriction prevents the school from hosting important events, such as parent's evenings, plays, fetes and other fundraising activities – all of which are typical events at established schools. The proposal again seeks to vary the wording of this condition to allow use for 'primary education only', thereby enabling other parties to use the school. The restriction on hiring the school to third parties would be retained.

2) Character and Residential Amenity

Condition 14

The provision of two Avanti House reception classes under the proposed variation of condition 14 would result in a temporary expansion of pupils at the school by up to 70. Therefore, in addition to the 116 existing pupils already at the school, plus 30 new pupils that could join Krishna-Avanti in September, there could be 216 pupils at the school over the academic year 2012/13. There is also expected to be a small increase in the number of staff from the current number of 16.

This number would be within the restriction currently imposed by the existing permission (236), although it is noted that the additional pupils would begin at the start of this academic year, rather than the current situation whereby the school expands by 30 pupils per year. The school also benefits from planning permission for expansion to two forms of entry, which would allow for up to 446 pupils to attend the school (ref P/1929/11). It is noted however that this permission was subject to a s.106 agreement requiring contributions towards highways improvements, which have not yet been carried out.

The proposed variation to enable the two additional reception classes would increase the number of pupils at the school on a temporary basis for one academic year. Some increase in activity and potential disturbance would be expected from the additional pupils using the school building/playground and from the additional vehicles, which could also give rise to fumes.

With respect to disturbance from pupils using the school, the concerns raised by local residents are noted. However, the siting of the school in relation to neighbouring residential properties is similar to the majority of schools in the Borough and the relationship is therefore not inconsistent with the pattern of such land uses in the wider area. Whilst the increase in pupil numbers could result in an increase in noise levels, the pupils would principally occupy similar parts of the site (i.e. the buildings and play areas in the centre of the site, away from the school boundaries) and the impact would therefore not be significant. It is also noted that, once the approved school operates at full capacity, the number of pupils would be greater than that currently proposed, so the noise impacts of the proposal would in effect be less than the permitted school operating at capacity.

Concerns raised by neighbouring residents in relation to vehicle noise are also noted. However, as discussed below, the additional vehicle movements generated by the additional form are not expected to be significant. It is therefore considered that the increase in vehicle noise along the access road to the rear of properties in Broomgrove Gardens would not be unacceptable. In addition to this, fume and pollution emissions are also not expected to increase to unacceptable levels. The Environmental Statement submitted with the original application concluded that there would be a negligible impact on local air quality and this was modelled on the school being at full capacity of 236 pupils, where the proposed variation would only result in up to 216 pupils. Despite the likely increase in vehicle movements, as discussed in more detail below, it is considered that local air quality would not be harmed to an unacceptable degree.

Condition 19

The variation would allow the school to run events and activities on the site that involve people other than staff and pupils. These events would typically include parent's evenings, fetes and performances. Whilst this variation would lead to some additional activity, sometimes outside of school hours, these events are unlikely to occur regularly. It is considered reasonable to allow such activities at the school, as they are typically associated with the proper functioning of an educational establishment and the modest increase in activity at these times would not unduly impact on neighbouring amenity. The restriction on the hiring of the premises to third parties would remain in place and this is supported.

3) Traffic and Parking

Condition 14

As discussed above, activity and vehicle movements would increase over the academic year 2012/13 due to the additional pupils associated with Avanti House (up to 216 at the school in total). However, it should be noted that the existing permission allows for up to 236 pupils to attend the school under the existing pick up and drop off arrangements. Therefore, whilst the proposed variation would depart from the existing situation whereby school pupilage increases by a class a year, the pick up and drop off arrangements are considered to be adequate to serve the increase.

Condition 19

As discussed above, the school related events that would be allowed following the proposed variation are considered to be appropriate. Use for these purposes would be more sporadic and would therefore have a reduced impact on the highway network and parking pressure in surrounding roads.

In summary, it is considered that the proposed variations would have an acceptable impact on the local highway network and the safety and convenience of motorists, pedestrians and local residents. The proposal would therefore comply with saved UDP policies T6 and T13 in this regard.

4) S17 Crime & Disorder Act

The proposed amendments to the scheme would not give rise to any additional concerns relating to secure by design considerations and the proposal is therefore considered to be acceptable in this regard.

5) Consultation Responses

Apart from the points raised in the above sections, other issues raised are:

- *Impact on infrastructure from additional pupils:* As discussed above, the proposal would not result in additional pupils compared to the fully filled existing school buildings, so it is considered that existing infrastructure would be adequate.

CONCLUSION

In summary, the proposal is considered to comply with the relevant education policies and would enable the provision of education at this successful state school in the form of a new free school, as well as allowing appropriate school related events. It is considered that the impact on neighbouring amenity and highway safety would be acceptable, subject to the conditions set out below, which would ensure that the use of the school accords with this assessment.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The land and buildings, except for the multi use playing areas shall be used for primary education only and for no other purpose or for the hire of the premises for any purpose, including any other purpose in class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

REASON: To retain control over the use of the site in the interests of highway safety and the amenities of neighbouring residents, in line with the requirements of saved UDP policies C7, T6 and T13.

3 The school hereby permitted shall be used for primary education only and shall not be used, hired or made available for use by any other party.

REASON: To retain control over the use of the site in the interests of highway safety and the amenities of neighbouring residents, in line with the requirements of saved UDP policies C7, T6 and T13.

4 The permission hereby granted is supplemental to planning permission ref: P/1282/07CFU granted by the Council on the 8th April 2008. Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect, including in relation to future phases of the development where applicable, unless as otherwise agreed in writing by the Council.

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposal is considered to comply with the relevant education policies and would enable the provision of education at this successful state school in the form of a new free school, as well as allowing appropriate school related events. It is considered that the impact on neighbouring amenity and highway safety would be acceptable.

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

National Policy: NPPF, Policy Statement – Planning for Schools Development (2011)

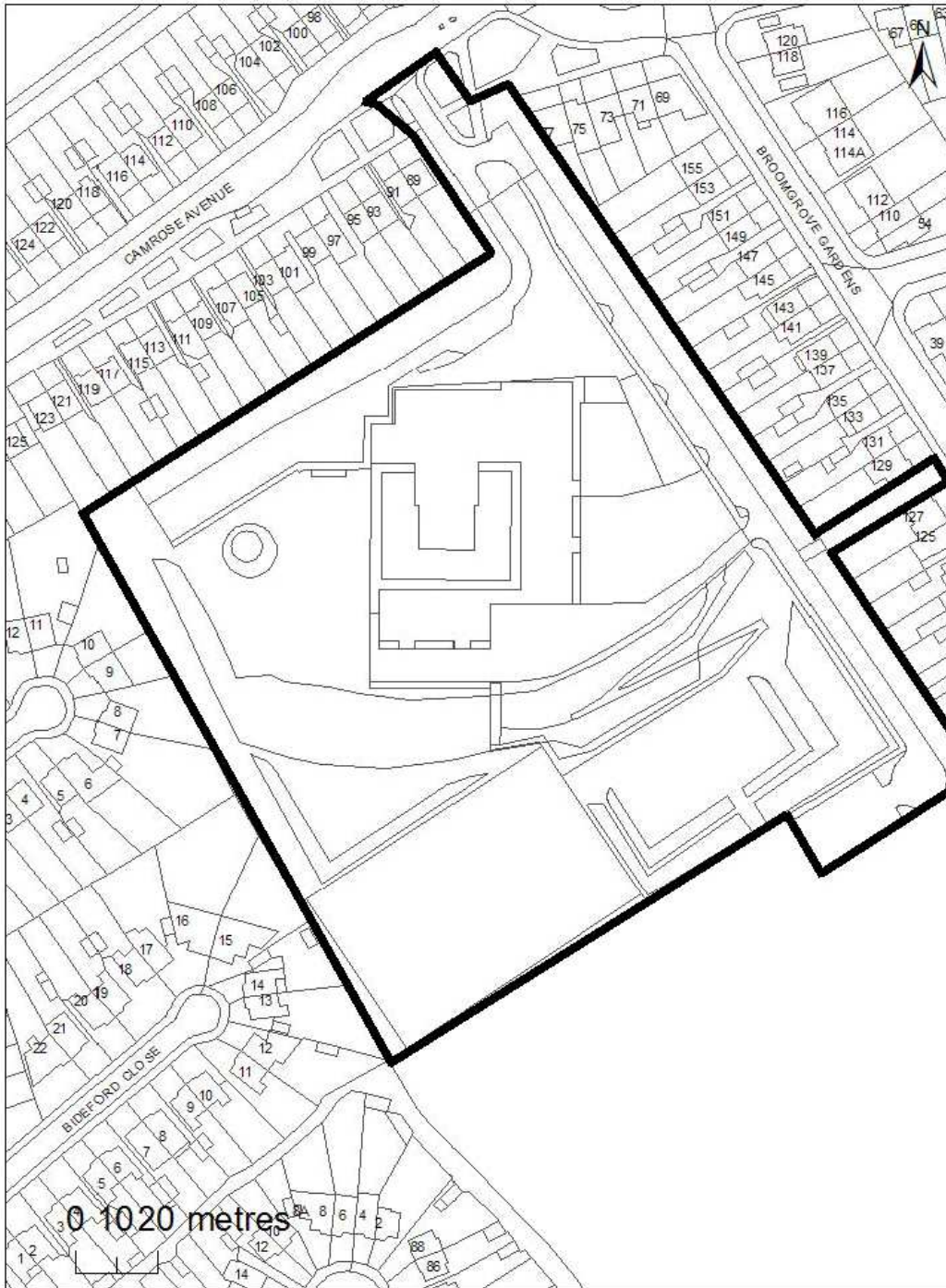
The London Plan 2011: 3.16, 6.3, 6.13

London Borough of Harrow Core Strategy 2012: CS1, CS8

London Borough of Harrow Unitary Development Plan 2004: EP25, D4, T6, T13, C2, C7

Plan Nos: DWG 0236 PL01

KRISHNA AVANTI PRIMARY SCHOOL, CAMROSE AVENUE, EDGWARE



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Item No. 1/03

Address: THE HIVE FOOTBALL CENTRE (FORMERLY PRINCE EDWARD PLAYING FIELDS), CAMROSE AVENUE, EDGWARE

Reference: P/1693/12

Description: VARIATION OF CONDITION 17 (FLOODLIGHTING) OF PLANNING PERMISSION REF: P/0002/07 DATED 8 APRIL 2008 FROM 'THE FLOODLIGHTING HEREBY PERMITTED FOR PLAYING SURFACES SHALL ONLY BE USED ON ANY DAY UP TO 22.00 HOURS EXCEPT WHEN EVENING MATCHES ARE BEING PLAYED AT THE MAIN STADIUM WHEN FLOODLIGHTING SHALL ONLY BE USED UP TO 23.00 HOURS' TO 'THE FLOODLIGHTING HEREBY PERMITTED FOR PLAYING SURFACES SHALL ONLY BE USED ON ANY DAY UP TO 22.30 HOURS EXCEPT WHEN EVENING MATCHES ARE BEING PLAYED AT THE MAIN STADIUM WHEN FLOODLIGHTING SHALL ONLY BE USED UP TO 23.00 HOURS'

VARIATION OF CONDITION 18 (EXTERNAL LIGHTING) FROM 'ALL EXTERIOR LIGHTING OTHER THAN FLOODLIGHTING SHALL BE EXTINGUISHED ON ANY DAY NOT LATER THAN 2230 HOURS, EXCEPT LIGHTING NOT MORE THAN 1M ABOVE THE FINISHED ROAD OR CAR PARK LEVEL THAT SHALL BE EXTINGUISHED NOT MORE THAN 60 MINUTES AFTER THE END OF ANY MATCH OR EVENT' TO 'EXTERIOR LIGHTING OTHER THAN FLOODLIGHTING SHALL BE EXTINGUISHED ON ANY DAY NOT LATER THAN 23.00 HOURS EXCEPT LIGHTING IN THE MAIN CAR PARK WHICH SHALL BE EXTINGUISHED NOT LATER THAN 23.30 HOURS. WHEN HOLDING A MATCH OR EVENT, LIGHTING NOT MORE THAN 1M ABOVE THE FINISHED ROAD AND CAR PARK LIGHTING SHALL BE EXTINGUISHED NOT MORE THAN 60 MINUTES AFTER THE END OF SUCH MATCH OR EVENT'

Ward: QUEENSBURY

Applicant: Football First

Agent: AND Architects

Case Officer: Nicholas Ray

Expiry Date: 17-SEP-12

RECOMMENDATION

GRANT planning permission for the variation described in the application, subject to conditions.

REASON

The proposed variation would enable an increased use of the all weather pitches on a permanent basis, to cater for evening football matches that go into extra time. This is in line with national, London Plan and UDP policy objectives promoting community sport and recreational opportunities. The proposal would also contribute to the objectives of the Harrow Core Strategy, in terms of enhancing existing facilities and maintaining the site as an important centre for sporting excellence. The proposals would improve health and wellbeing by increasing participation in sport. The proposed increased hours are considered acceptable in relation to the impact on the amenities of neighbouring residential occupiers and the proposal is considered to comply with relevant policy.

National Planning Policy:

National Planning Policy Framework 2012 (NPPF)

The London Plan 2011:

3.19 – Sports Facilities

London Borough of Harrow Core Strategy 2012:

CS1 – Core Policy

CS9 – Kingsbury and Queensbury

London Borough of Harrow Unitary Development Plan 2004:

D4 – The Standard of Design and Layout

D23 – Lighting, Including Floodlighting

EP25 – Noise

EP47 – Open Space

R4 – Outdoor Sports Facilities

R5 – Intensive Use Pitches

MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2011, Harrow Core Strategy 2012 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)

- 1) Open Space and Sports Facilities (NPPF, 3.19, CS1, CS9, EP47, R4, R5)
- 2) Residential Amenity (EP25, D4, D23)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to Planning Committee as it proposes a variation to conditions on a development that, in the opinion of the Director of Planning, raises potentially substantial amenity issues and therefore falls outside Category 7 of the Scheme of Delegation.

Summary

Statutory Return Type: (E) Largescale Major Development

Council Interest: The Council is Freeholder

Site Description

- Site comprises former educational sports grounds designated as open space within the UDP/Core Strategy, now occupied by a football stadium with ancillary facilities, open air grass and synthetic football pitches.
- The site has been developed in accordance with permission granted in 2007, to expand the stadium and improve the playing fields provided on the site.
- Site is bound by Jubilee Line railway to the west, residential properties fronting Whitchurch Lane to the north and Camrose Avenue to the south. To the east the site adjoins residential properties along Buckingham Gardens, St Davids Drive and Little Stanmore Nursery, First and Middle School.
- The section of railway that adjoins the western site boundary is identified as a site of nature conservation importance.
- The original site level falls from the north to the Edgware Brook, which crosses the site, and then rises again to Camrose Avenue.
- The site is designated as a proposal site within the UDP/Core Strategy as providing important opportunities for community access to high quality facilities and local sports participation. The 2007 permission on the site is consistent with this designation.
- The main access to the site is from Camrose Avenue, with secondary access (pedestrian only) from Whitchurch Lane.

Details of Lighting on Site

- Floodlighting is located around the all weather pitches at the southern end of the site, close to the rear boundaries of the Camrose Avenue properties, and consists of nine floodlighting columns with a height of approximately 10 metres.
- Car park lighting (over 1.0 metre in height) consists of a number of street lights located around the car parking areas and access roads, with a height of approximately 7 metres.
- Low level lighting (less than 1.0 metre above road or car park level) is principally located along the pedestrian access between the stadium complex and the Whitchurch Lane entrance and consists of a series of low level illuminated bollards.

Proposal Details

- Planning permission was granted on the 8th April 2008, for redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking, subject to a number of conditions, including conditions 17 and 18 relating to hours of operation for lighting.
- These conditions were subsequently varied on a temporary basis by planning permission P/2912/09, which approved the variations now sought up until 30th June 2012.
- This application proposes to permanently vary the conditions on this basis.
- Variation of condition 17 of planning permission P/0002/07 from:
The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.00 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours.
To
The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.30 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours.
- Variation of condition 18 of planning permission P/0002/07 from:
All exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road or car park level that shall be extinguished not more than 60 minutes after the end of any match or

event.

To

Exterior lighting other than floodlighting shall be extinguished on any day not later than 23.00 hours except lighting in the main car park which shall be extinguished not later than 23.30 hours. When holding a match or event, lighting not more than 1m above the finished road and car park lighting shall be extinguished not more than 60 minutes after the end of such match or event.

- The proposal encompasses both conditions 17 and 18, and therefore effectively relates to all exterior lighting within the site. The boundary of the main car park is highlighted in red on the submitted drawing 258/PLC(0)1011, to provide precise identification in relation to the proposed wording of condition 18.
- The table below summarises the situation in relation to these two conditions, in terms of the currently approved hours and the hours proposed as part of this application:

	Floodlights	Car Park Lights	Low Level Lights
Originally Approved	2200 hours, 2300 hours when matches held at stadium	2230 hours	60 minutes after the end of any event
As Proposed	2230 hours, 2300 hours when matches held at stadium	2300 hours, 2330 hours for main car park	60 minutes after the end of any event

- The time extension is sought to cater for evening games that go into extra time. The current occupants of the site are contracted to provide a certain amount of sports provision and the extended hours for lighting are requested to ensure that there is provision to finish evening games.

Relevant History

P/0002/07

Redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking

Granted : 08-APR-08

P/2022/09

Variation of condition 18 (external lighting) pursuant to planning permission ref: P/0002/07/CFU dated 8 April 2008 from 'All exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road or car park level that shall be extinguished not more than 60 minutes after the end of any match or event' to 'All exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road and car park level that shall be extinguished not more than 60 minutes after the end of any match or event.'

Granted : 06-NOV-09

P/2257/09

Variation of condition 17 (floodlighting) pursuant to planning permission ref: P/0002/07/CFU dated 8 April 2008 from 'The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 2200 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 2300 hours' to 'The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 2300 hours, until commencement of use of the playing surface of the main stadium, at which time floodlighting for the main stadium shall only be used on any day up to 2300 hours, and any other floodlighting within the site hereby permitted for playing surfaces shall only be used on any day up to 2230 hours'.

Refused : 29-DEC-09

Reason for Refusal:

- 1) The proposed variation of condition to extend the hours of floodlighting would result in unacceptable detriment to the living conditions of neighbouring residential properties contrary to policies D4 and EP25 of the Harrow Unitary Development Plan.

P/2912/09

Variation of condition 17 (floodlighting) of planning permission ref: P/0002/07 dated 8 April 2008 from 'the floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.00 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours' to 'the floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.30 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours'; variation of condition 18 (external lighting) from 'all exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road or car park level that shall be extinguished not more than 60 minutes after the end of any match or event' to 'exterior lighting other than floodlighting shall be extinguished on any day not later than 23.00 hours except lighting in the main car park which shall be extinguished not later than 23.30 hours. when holding a match or event, lighting not more than 1m above the finished road and car park lighting shall be extinguished not more than 60 minutes after the end of such match or event'

Granted : 15-JUN-10

Pre-Application Discussion

- N/A.

Applicant Statements

- None.

Consultations:

Site Notice: 05-JUL-12

Expiry: 26-JUL-12

Advertisement (Harrow Obs): 28-JUN-12

Expiry: 19-JUL-12

Notifications:

Sent: 119

Replies: 1

Expiry: 23-JUL-12

Addresses Consulted:

- 28-34 (even) St Davids's Drive;
- 35-43 (odd) St David's Drive;
- Little Stanmore School, St David's Drive;
- 212-322 (even) Camrose Avenue;
- 224-258 (even) Whitchurch Lane;
- 8-12 (conc) Torbridge Close;
- 72, 74, 85 and 87 Bransgrove Road;
- 19- 32 (conc) Buckingham Gardens;
- 38-54 (even) St Bride's Avenue.

Summary of Response:

- The floodlighting and associated noise affects neighbours sleep patterns and health, particularly children;
- Spectators stand on the earth mounds resulting in a loss of privacy and noise;
- There would be additional noise for cars in the car park and more cars would park along Camrose Avenue.

APPRAISAL**1) Open Space and Sports Facilities**

The open air recreational use on the site is appropriate to this designated area of open space and saved UDP policy EP47 supports the principle of recreational use in such areas. Policy CS9 of the Core Strategy supports the expansion of facilities at this strategically important site for sport. The proposed variation of condition would allow for extended hours of use of the all weather pitches and, given the policy support for the promotion of sports facilities, this is supported in principle, subject to full consideration of the likely impact on the amenities of neighbouring residential occupiers, as undertaken below.

2) Residential Amenity

The proposal seeks to increase the hours of operation of the lighting on the site on a permanent basis, following the expiry of the 2 year temporary consent that allowed the same variation. The hours now sought are therefore the hours that the site has been operating to since June 2010.

The proposed variation would enable the use of the floodlights up until 2230 hours, 30 minutes beyond what was originally allowed. The use of the car park lighting would be extended up until 2300 hours, except in the main car park, which would be extended up until 2330 hours, 30 and 60 minutes respectively beyond what was originally allowed. The low level lighting (less than 1 metre above the car park/road level) would remain as existing, 60 minutes after the end of a match or event, although it should be noted that the proposed extension of the hours for floodlighting could potentially lead to events finishing later, which could in turn lead to the low level lighting remaining on later than the current situation, in theory up until 2330 hours. This however would not be detrimental to amenity due to the low intensity of the low level lighting.

The all weather sports pitches served by the floodlighting are in close proximity to the Camrose Avenue properties, with the closest floodlight being approximately 35 metres from the main rear wall of the nearest property. Use of the pitches, car parks and access roads would inevitably result in some noise and disturbance to the occupiers of neighbouring properties. There are some earth mounds located between the all weather pitches and the

Camrose Avenue properties, which would provide a certain amount of noise abatement, although in the absence of a full report, only limited weight can be attached to this.

The previous proposal to extend the hours of use for floodlighting up to 2300 hours was considered unacceptable on amenity grounds (P/2257/09). However, it is considered that the current proposal for 2230 hours is considered to be on balance acceptable and would result in only a modest increase in the duration of noise and disturbance experienced by neighbouring occupiers. The proposal would not result in use of the pitches within the hours of 2300-0700 generally considered as being the hours when people are normally sleeping. It is also noted that only one objection was received in relation to the proposal. Given the number of properties that are potentially affected by the use of the pitches, this is not considered to be a significantly high level of response and suggests that the previously approved temporary variation has not given rise to significant disturbance to neighbouring occupiers. The proposed permanent variation of condition 17 relating to floodlighting is therefore considered on balance to be acceptable in relation to its impact on the amenities of neighbouring residents.

The proposed variation of condition 18 relating to the other lighting on the site is also considered acceptable. The car park lighting in the small car park which is behind properties in Camrose Avenue would be extended to 2300 hours, 30 minutes after the latest proposed time for the floodlights to be switched off. It is considered that activity in the small car park up until 2300 hours would have an acceptable impact on the amenities of neighbouring residents given the distance from the rear of these properties. The proposal to allow lighting of the main car park up until 2330 hours is also considered acceptable, given that the main car park is located some 90 metres from the boundaries of the nearest residential properties on Camrose Avenue.

Despite the potential use of the main car park later into the night, it is considered that the level of vehicle movements within the site and the access roads into and out of the site would not increase to an unacceptable degree beyond 2300 hours, given that the use of the all weather pitches will cease at 2230 hours. The amenities of neighbouring residents would therefore not be detrimentally affected by the later vehicle movements. Again, the lack of significant response to consultation on this application is an indication that the site has been operating well over the past 2 years with these hours of use and a permanent variation can therefore be supported.

Whilst it is acknowledged that the low level 'bollard style' lighting would in theory also be likely to be switched on for longer, this lighting is below 1.0 metre in height and occupies the pedestrian path between the stadium complex and the Whitchurch Lane entrance. It is therefore considered that the use of this lighting later into the night would not unreasonably impact on the amenities of neighbouring occupiers. There have been no responses to consultation from occupiers of properties at this end of the site, which again gives an indication of the lack of noise and disturbance experienced. The proposed permanent variation of condition 18 is therefore considered acceptable.

In summary, the proposed variation of conditions 17 and 18 relating to lighting would help to ensure the viability of this open air recreational use, thus providing greater opportunity for sport and recreation, in line with the objectives of London Plan policy 3.19, Core Strategy policies CS1 and CS9 and saved UDP policies R4 and R5. As discussed above, the proposal would not unreasonably impact on the amenities of the occupiers of neighbouring residential properties and a permanent variation to these conditions is supported by officers. In coming to this view, regard has been had to the particular health circumstances of the objector.

3) S17 Crime & Disorder Act

The proposed amendments to the scheme would not give rise to any additional concerns relating to secure by design considerations and the proposal is therefore considered to be acceptable in this regard.

4) Consultation Responses

Apart from the points raised in the above sections, other issues raised are:

Spectators stand on the earth mounds resulting in a loss of privacy and noise: These mounds are due to be landscaped to prevent this and this is therefore considered to be a separate issue.

More cars would park along Camrose Avenue: The proposals do not affect parking provision. There would be adequate parking retained within the site to accommodate likely user of the facilities.

CONCLUSION

In summary, the proposed variation would enable an increased use of the all weather pitches on a permanent basis, to cater for evening football matches that go into extra time. This is in line with national, London Plan and UDP policy objectives promoting community sport and recreational opportunities. The proposal would also contribute to the objectives of the Harrow Core Strategy, in terms of enhancing existing facilities and maintaining the site as an important centre for sporting excellence. The proposals would improve health and wellbeing by increasing participation in sport. The proposed increased hours are considered acceptable in relation to the impact on the amenities of neighbouring residential occupiers and the proposal is considered to comply with relevant policy.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 258/AL(1)001 Rev A; 258/PLC(0)1011 Rev A

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.30 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours.

REASON: In the interests of the amenities of neighbouring residents, in line with the requirements of saved UDP policies EP25 and D23.

4 Exterior lighting other than floodlighting shall be extinguished on any day not later than 23.00 hours except lighting in the main car park which shall be extinguished not later than 23.30 hours. When holding a match or event, lighting not more than 1m above the finished road and car park lighting shall be extinguished not more than 60 minutes after the end of such match or event.

REASON: In the interests of the amenities of neighbouring residents, in line with the requirements of saved UDP policies EP25 and D23.

5 The permission hereby granted is supplemental to planning permission ref: P/0002/07

granted by the Council on the 8th April 2008. Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect, including in relation to future phases of the development where applicable, unless as otherwise agreed in writing by the Council.

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposed variation would enable an increased use of the all weather pitches on a permanent basis, to cater for evening football matches that go into extra time. This is in line with national, London Plan and UDP policy objectives promoting community sport and recreational opportunities. The proposal would also contribute to the objectives of the Harrow Core Strategy, in terms of enhancing existing facilities and maintaining the site as an important centre for sporting excellence. The proposals would improve health and wellbeing by increasing participation in sport. The proposed increased hours are considered acceptable in relation to the impact on the amenities of neighbouring residential occupiers and the proposal is considered to comply with relevant policy.

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

National Planning Policy:

National Planning Policy Framework 2012 (NPPF)

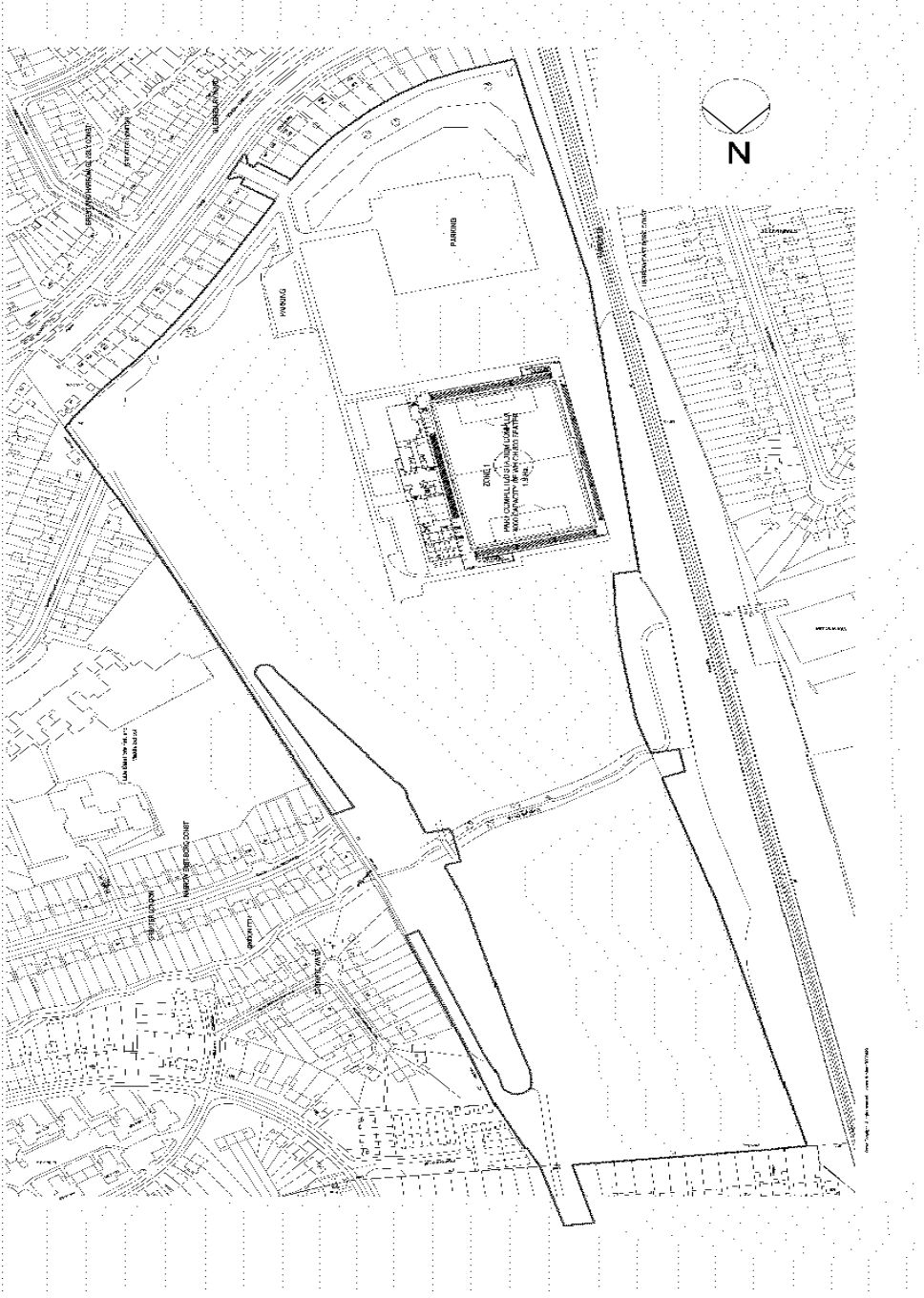
The London Plan 2011: 3.19

London Borough of Harrow Core Strategy 2012: CS1, CS9

London Borough of Harrow Unitary Development Plan 2004: D4, D23, EP25, EP47, R4, R5

Plan Nos: 258/AL(1)001 Rev A; 258/PLC(0)1011 Rev A

THE HIVE FOOTBALL CENTRE (FORMERLY PRINCE EDWARD PLAYING FIELDS), CAMROSE AVENUE, EDGWARE



Item No. 1/04

Address: HARROW SCHOOL CRICKET GROUND SOUTH SIDE, WEST STREET, HARROW

Reference: P/1314/12

Description: Improvements to Cricket Ground Including Repositioning of Cricket Square & Regrading of Surfaces & Banking Involving Changes in Levels

Ward: Harrow on the Hill

Applicant: The Keepers & Governors Of Harrow School

Agent: Kenneth W Reed & Associates

Case Officer: GERARD LIVETT

Expiry Date: 08 AUGUST 2012

RECOMMENDATION

GRANT planning permission subject to conditions

REASON

The decision to grant planning permission has been taken as the proposal would improve the cricket facilities at the site and would have no detrimental impact on the character and appearance of the Harrow on the Hill Village Conservation Area, the setting of the Roxeth Hill and Harrow School Conservation Areas or the Harrow on the Hill Area of Special Character.

The decision has been made having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy and the saved policies of the Harrow Unitary Development Plan 2004 as well as to all relevant material considerations including any responses to consultation.

INFORMATION

The application is reported to the Planning Committee because the site area is greater than 0.1ha and is outside the scope of category 1(b) of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: Smallscale Major Development

Council Interest: None

Conservation Area: Harrow on the Hill Village, within setting of Roxeth Hill and Harrow School Conservation Areas

Archaeological Priority Area: North part of site

Area of Special Character: Harrow on the Hill

Metropolitan Open Land

Site Area: 1.88 ha

Net additional Floorspace: N/A

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A

Site Description

- The application site comprises a 1.88 hectare cricket pitch on the south side of West Street and the west side of Lower Road. The wider site includes a cricket pavilion and nets.

Proposal Details

- The application proposes the regrading of the land to provide a more level field with a 3% fall from east to west.
- This would reduce the highest existing level (at the east) by approximately 1m, with the current banked viewing area being extended.
- The land would be provided with a new sub base of geotextile material, Advantage panel drains, a 125mm grit layer with a 200mm topsoil layer.
- New drainage, including a storage chamber, would be provided.
- The main cricket square would be moved north by approximately 20m, although this aspect of the proposal is not development.

Revisions to Previous Application

Following the previous decision (P/1010/11) the following amendments have been made:

- Netting between 7m and 8m high omitted, with regarding of field and repositioning of cricket square and provision of earthwork bund.

Relevant History

LBH/2438 – Erect 12' chain link fence in play area
Granted – 09/06/1967

P/1832/07/DFU – Outdoor cricket practice net
Granted – 07/08/2007

P/1010/11 – New 7m and 8m high cricket boundary safety netting along West Street Bessborough Road and Lower Road; proposed landscaping
Refused – 04/07/2001

Reasons for Refusal:

1. The proposed permanent cricket netting by reason of unacceptable height, design and siting in this highly prominent location would be unduly obtrusive and detract from the character and appearance of the streetscene and the open character of the Metropolitan Open Land, contrary to London Plan policy 3D.10 and saved policies D4, EP44 and EP45 of the Harrow Unitary Development Plan (2004).
2. The proposed permanent cricket netting by reason of its height and siting in this highly prominent location would obscure views of the important and historic open landscape of the Harrow on the Hill Conservation areas, the setting of Locally and Statutorily Listed Buildings and the Area of Special Character. The loss of established trees

would detract from the character of the Harrow on the Hill Conservation Areas. The proposal therefore fails to preserve or enhance the character and appearance of the Harrow on the Hill Conservation areas and the setting of Locally and Statutorily Listing Buildings, contrary to national Planning Policy Statement 5 policies HE7.2, HE7.4, HE8.1, HE9.1, HE9.2, HE9.4 and HE10 and saved policies D11, D12, D14, D15, D16 and EP31 of the Unitary Development Plan (2004) and the Harrow School Conservation Area, Harrow on the Hill Village Conservation Area and the Roxeth Hill Conservation Area Appraisal's and Management Strategies - CAAMS (May 2008)).

P/0380/12 – Construction of two timber sheds; alteration to site levels and proposed retaining walls; demolition of two existing timber buildings removal of two steel containers at the rear of cricket pavilion
Granted – 05/04/2012

P/04148/12 – Conservation area consent: demolition of two existing timber buildings removal of two steel containers at the rear of cricket pavilion
Granted – 10/04/2012

Pre-Application Discussion (Ref.)

- None

Applicant Submission Documents

- **Design, Heritage and Access Statement**
- Site provides main focus of 1st XI cricket for Harrow School and is subject to several planning constraints.
- This field provides part of the 'green girdle' around Harrow on the Hill and is integral to the history of the school and the wider area.
- This application follows the refusal of permission for boundary netting along West Street and Lower Road
- Cricket square is to be relocated approximately 19m to the north east and made smaller to ensure boundary distances are maximised
- Existing ground is too steep for the serious cricket played on this ground. The proposal would change the levels to provide a 1:30 slope. This would also allow for grass tiers for the pavilion and spectators.
- Statement includes technical details relating to construction, drainage and the relocation of a sewer

Consultations

Sport England: This application satisfies Exception 2 of our playing fields policy is that the proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use. A pitch construction condition is required.

English Heritage: A suitable archaeological protection condition should be added.

Harrow Hill Trust: *No response received*

Environment Agency: *No response received*

Harrow Hill Trust: *No response received*

Conservation Area Advisory Committee: *No objections. Considerations should be given to it being in an archaeological priority area.*

Landscape Architect: No objection

Design and Conservation Officer: Proposal is a significant improvement on previous

proposal. Changes in levels would not be dramatic and would deliver public benefits.

Highways Authority: No objection in principle. An informal Construction Management Plan is in operation.

Advertisement

Character of a Conservation Area / Major Development

Expiry: 12-Jul-2012

Notifications

Sent: 114

Replies: 0

Expiry: 09-Jul-2012

Addresses Consulted

Nelson Road: 1-12 (consecutive), 42

Lower Road: Welsh Congregationalist Church, Greville House (1-16), Ortygia (1-4),

Pavilion Lodge (1-16), 12 (flats 1-3), 14, 14a, 20, 20a, 22

Whitehall Road: Lorne Court

Whitmore Road: 1, 2, 6-24 (even)

West Street: 70, 70a, 72, 72a, 74, 76, 78a, b, c, d, 103-109

Wellington Terrace: 15, 16, 17, 18, 18a

John Lyon School

Bessborough Road: 1 Roxeth Farm, 124-128 (even)

Byron Hill Road: 40

Middle Road: 68, Red House and School Buildings, The Cottage, Charmouth, Cricket Field Cottage

Summary of Responses

- N/A

APPRAISAL

MAIN CONSIDERATIONS

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Sporting Facilities
- 4) Residential Amenity
- 5) Traffic and Parking
- 6) Archaeology
- 7) Development and Flood Risk
- 8) Accessibility
- 9) S17 Crime & Disorder Act
- 10) Consultation Responses

1) Principle of the Development

With the previous levels of the field, there had been occasions when cricket balls would leave the field of play and present a hazard for passing pedestrians and vehicles. The intention of the works is to remove this hazard.

A previous proposed solution for this problem would have been to install safety netting at the boundaries of the field. This was not considered to be a suitable option as the height of the proposed netting, between seven and eight metres, would have had a detrimental

impact on the visual amenities of the area.

The current proposal, which would result in a levelling of the field and the modest relocation of the cricket square, represents more appropriate solution which would preserve the special characteristics of the area.

It is noted that work has commenced on site. The site was previously a well-tended cricket field. Following completion of the works, it will also be a well-tended cricket field. Therefore, there is no objection to the principle of the development.

As the development has started, it is considered that there is no need for the standard commencement condition.

2) Character and Appearance of the Area

The site is within the Harrow on the Hill Village Conservation Area and is within the setting of Roxeth Hill and Harrow School Conservation Areas, as well as being within the Harrow on the Hill Area of Special Character.

Development plan policies, including policies CS1.A/B/D and CS3.A of the Harrow Core Strategy, policy 7.8 of The London Plan and saved policies D14, D15 and EP31 seek to preserve and enhance Conservation Areas and Areas of Special Character. The Council's Conservation Area policies are also supported by the Harrow on the Hill Conservation Area Character Appraisal and Management Strategy, which forms part of the Harrow on the Hill Conservation Areas Supplementary Planning Document.

The proposed changes to the levels of the cricket field would change the topography of the area. However, there would be no fundamental change to the character or the use of the land and it is considered that the proposal would preserve and enhance the character and appearance of the area and provide a public benefit insofar as bass would be less likely to leave the field.

The site is also defined as Metropolitan Open Land, to which policy 7.17 of The London Plan, policy CS1.F of the Core Strategy and saved policy EP47 apply.

The proposed alterations would not change the openness of the site, and its function as Metropolitan Open Land would be maintained.

There are a number of trees on the site which would not be affected by the development.

3) Sporting Facilities

The proposal would improve the cricket facilities at the school, which accords with policies 3.18 and 3.19 of The London Plan and saved policy R4 of the Harrow Unitary Development Plan as the levelling of the field would provide a better playing area.

The size of the cricket pitch complies with the minimum requirements for senior cricket as advised by Sport England.

Sport England raise no objection to the proposal, subject to a condition regarding the construction of the cricket square.

4) Residential Amenity

There are no residential properties adjoining the site, although there are houses on West

Street east of the site. Given that there would be no change to the use of the land, it is considered that the proposal would have a negligible impact on the residential amenities of nearby occupiers.

5) Traffic and Parking

The proposal would have no impact with respect to traffic flow and parking in the area, and would represent an improvement in road safety.

The Council's Highways Authority had suggested that a Construction Management Plan be required due to the sensitive nature of the location.

However, it is noted that works have already commenced on site, and a considerable amount of the earth works have been completed without complaint from neighbours.

Therefore, on balance, it is considered that such a condition is not required.

6) Archaeology

Part of the site is within an Archaeological Priority Area and is in an area where archaeological remains may be anticipated. This is on the periphery of the medieval village of Harrow on the Hill and there is the potential for archaeological deposits from the medieval and post-medieval periods to be impacted by the scheme.

The applicants are in contact with English Heritage who have agreed to a watching brief on new landscaping.

English Heritage have requested that a suitable condition be attached to ensure that an archaeological investigation would be conducted should the need arise, as required by policy 7.8 of The London Plan and saved policies D20, D21 and D22 of the UDP.

7) Development and Flood Risk

The proposal includes full details drainage arrangements to the land. These are considered acceptable and would not result in any increased surface water run-off from the site, as required by policy 5.13 of The London Plan and saved policy EP12 of the Harrow Unitary Development Plan.

8) Accessibility

There would be no change to the accessibility of the site, and would therefore comply with saved policy C17 of the Harrow Unitary Development Plan.

9) S17 Crime & Disorder Act

The proposal would have no impact with respect to this legislation.

10) Consultation Responses

N/A

CONCLUSION

The proposal would improve the cricket facilities at the site and would have no detrimental impact on the character and appearance of the Harrow on the Hill Village Conservation Area, the setting of the Roxeth Hill and Harrow School Conservation Areas or the Harrow on the Hill Area of Special Character.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including comments received in response to consultation as set out above, this application is recommended for **grant**.

CONDITIONS

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

1543/200 Rev A; DE102809-P001 Rev A; DE102809-P002 Rev A; DE102809-P003a; DE102809-P003b; Design and Access Statement

REASON: For the avoidance of doubt and in the interests of proper planning.

2 The cricket pitch shall be constructed in accordance with Sport England's Natural Turf Design Guidance Notes unless otherwise agreed with the Local Planning Authority in consultation with Sport England.

REASON: To ensure the development is fit for purpose, subject to high quality design standards and sustainable, as required by policy 3.19 of the London Plan (2011) and saved policy R4 of the Harrow Unitary Development Plan (2004).

3 No development within the Archaeological Priority Area shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.

REASON: To secure the provision of archaeological excavation and the subsequent recording of the remains in the interests of national and local heritage, as required by policy 7.8 of The London Plan (2011), Core Policy CS1.D of the Harrow Core Strategy (2012) and saved policies D20, D21 and D22 of the Harrow Unitary Development Plan (2004).

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The decision to grant planning permission has been taken as the proposal would improve the cricket facilities at the site and would have no detrimental impact on the character and appearance of the Harrow on the Hill Village Conservation Area, the setting of the Roxeth Hill and Harrow School Conservation Areas or the Harrow on the Hill Area of Special Character.

The decision has been made having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy and the saved policies of the Harrow Unitary Development Plan 2004 as well as to all relevant material considerations including any responses to consultation.

National Planning Policy Framework (2012)

The London Plan (2011)

3.18 – Education Facilities

3.19 – Sports Facilities

5.3 – Sustainable Design and Construction

5.10 – Urban Greening

5.13 – Sustainable Drainage

7.3 – Designing Out Crime

7.4 – Local Character

7.5 – Public Realm

7.8 – Heritage Assets and Archaeology
7.17 – Metropolitan Open Land

Harrow Core Strategy (2012)
Policies CS1.A/B/D/F, CS3.A

Harrow Unitary Development Plan (2004)
EP12 – Control of Surface Water Run-off
EP29 – Tree Masses and Spines
EP31 – Areas of Special Character
EP44 – Metropolitan Open Land
EP47 – Open Space
D4 – The Standard of Design and Layout
D10 – Trees and New Development
D14 – Conservation Areas
D15 – Extensions and Alterations in Conservation Areas
D20, D21, D22 – Sites of Archaeological Importance
T6 – The Transport Impact of Development Proposals
R4 – Outdoor Sports Facilities
C17 – Access to Leisure, Recreation, Community and Retail Facilities

Supplementary Planning Document: Harrow on the Hill Conservation Areas, including appendix 4 part H – Harrow on the Hill Village Conservation Area Appraisal and Management Strategy (2008)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

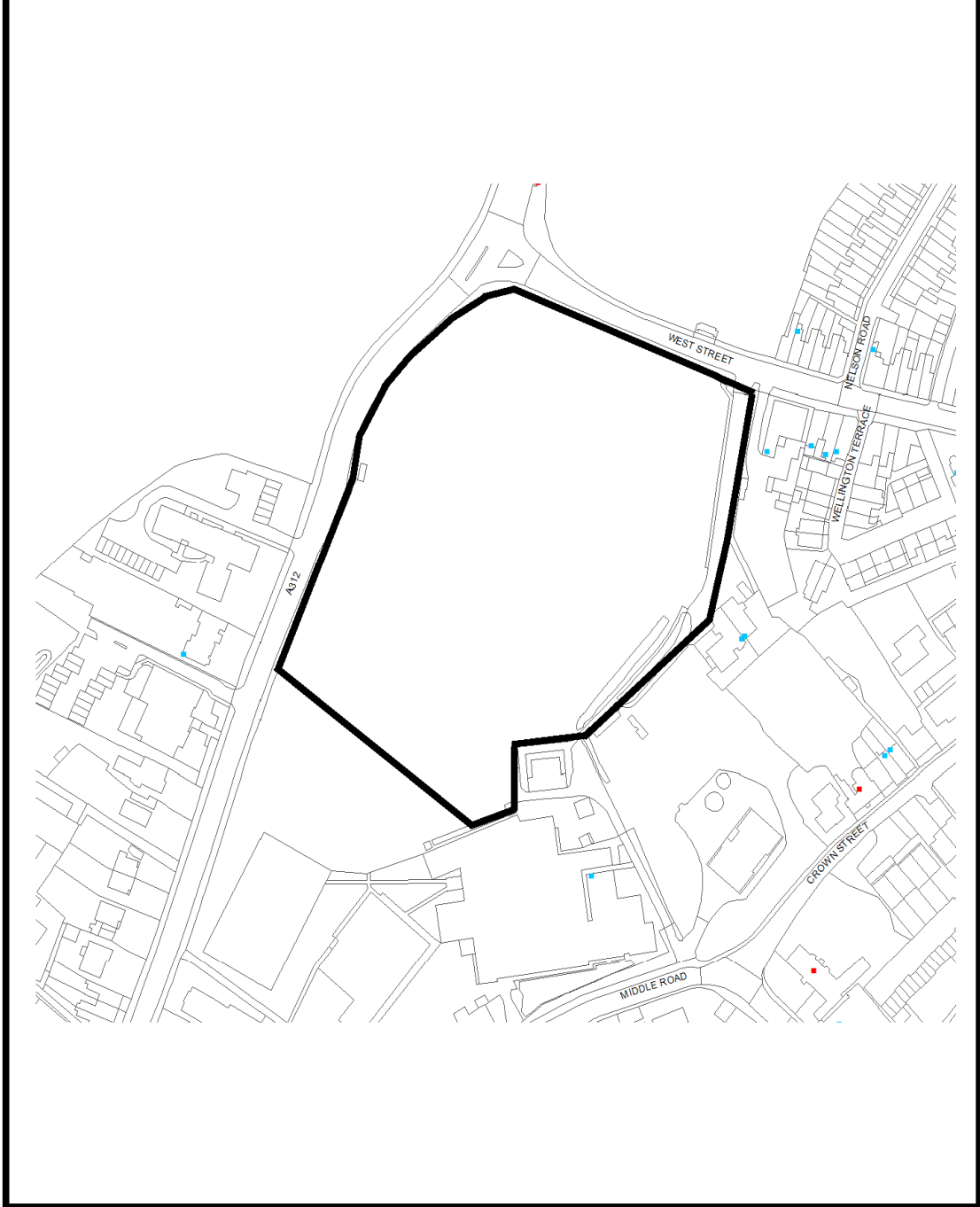
The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 ARCHEAOLOGICAL INVESTIGATION

The development of this site may damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an architectural project design. This design should be in accordance with the appropriate English Heritage guidelines.

Plan Nos: 1543/200 Rev A; DE102809-P001 Rev A; DE102809-P002 Rev A; DE102809-P003a; DE102809-P003b; Design and Access Statement

HARROW SCHOOL CRICKET GROUND SOUTH SIDE, WEST STREET, HARROW



Item No. 1/05
Address: 321 STATION ROAD, HARROW
Reference: P/1226/12
Description EXTENSION OF THE EXISTING BUILDING ON THE SITE TO PROVIDE FOUR STOREY BUILDING FRONTING STATION ROAD, EXTENSION OF BASEMENT AND PART REDEVELOPMENT OF THE SITE TO PROVIDE PART-SINGLE STOREY BUILDING AND PART FIVE-STOREY BUILDING FRONTING HAVELOCK PLACE COMPRISING 1,139.4SQM OF RETAIL SPACE ON THE GROUND FLOOR AND BASEMENT (USE CLASS A1) AND 22 RESIDENTIAL UNITS (USE CLASS C3) ON THE UPPER FLOORS; PROVISION OF LANDSCAPING, REFUSE AND CYCLE STORAGE; EXTERNAL ALTERATIONS [RESIDENT PERMIT RESTRICTED]
Ward GREENHILL
Applicant: MR NARENDRA POPAT
Agent: AUTOR LTD
Case Officer: FERGAL O'DONNELL
Expiry Date: 29 AUGUST 2012

RECOMMENDATION A

GRANT planning permission subject to conditions and the completion of a Section 106 agreement by 03 December 2012. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 agreement Heads of Terms would cover the following matters:

- i) The developer to submit to the Council's Housing Enabling Team for its approval an updated financial viability appraisal (i.e. the most up to date development costs and anticipated sales value of the residential units) prior to occupation of 80% of the residential units hereby permitted;
- ii) If required, the developer to pay for the Council to have an independent review of the viability assumptions made in the financial appraisal submitted by the developer;
- iii) In the event that the viability appraisal submitted by the developer (or the Council's independent review of the appraisal) shows a surplus residual land value, the developer to pay 50% of the surplus value to the Council as a contribution towards the provision of affordable housing in the borough.
- iv) Public Realm improvements: Payment of £14,960 towards public realm and open space improvements prior to commencement of development
- v) Harrow Employment and Training Initiatives: Contribution of £10,000 towards local

- training and employment initiatives prior to commencement of development
- vi) The submission of a Recruitment Training and Management Plan
 - vii) Health Service contributions: Contribution of £15,429 towards local health provision prior to the occupation of the residential units on the site
 - viii) Public Transport Contributions: Contributions of £14,470 towards public transport expenditure prior to the occupation of the residential units on the site
 - ix) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
 - x) Planning Administration Fee: Payment of £1,500 administration fee for the monitoring of and compliance with this agreement.

REASON

The proposed development of the site would provide investment in the Harrow Metropolitan Centre and would contribute towards the identified development plan housing delivery targets. The loss of employment land on the upper floors of the property would be offset by the re-introduction of a high quality retail unit on the ground floor of the property within the primary shopping frontage of the town centre and development contributions towards employment and training in the borough.

The proposed redevelopment of the site would result in a modern, contemporary design that responds positively to the local context, and would provide appropriate living conditions and retail space which would be accessible for all future occupiers of the development. The development proposal would provide a stimulus for areas identified for future investment in the town centre as well as securing contributions towards identified and required infrastructural investment in the Harrow and Wealdstone Intensification Area.

The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be satisfactory to protect the amenities of the neighbouring occupiers, whilst the development would contribute towards the strategic objectives of reducing the carbon emissions of the borough.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 03 December 2012 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in absence of a legal agreement to provide appropriate provision for infrastructural facilities that directly relate to the development, would fail to adequately mitigate the impact of the development on the appearance of the wider area and provide for necessary infrastructure improvements arising directly from the development, thereby being contrary to policies 3.2, 3.11, 3.12.A/B, 6.2, 7.4.B of The London Plan 2011, policies CS1.Z/AA and CS2.Q of the Harrow Core Strategy 2012 and saved policies EM15 and D4 of the Harrow Unitary Development Plan 2004.

INFORMATION:

This application is being reported to committee as the proposal constitutes development of non-residential floorspace exceeding 400m² and more than 2 dwellinghouses and therefore falls outside of Categories 1(b) and 1(d) of the Scheme of Delegation.

Statutory Return Type: Smallscale Major Development

Council Interest: None

Site Area: 0.0981ha

Gross Proposed Internal Floorspace: 2,685sqm

Net Additional Floorspace: 1,305sqm

GLA Community Infrastructure (CIL) Contribution: £45,675 (based on an additional net floor area of 1,305sqm)

Site Description

- The application site is located on the western side of Station Road, to the south of the junction with St. Ann's Road. The site is within the Harrow Metropolitan Centre.
- The site extends to Havelock Place to the rear and the building has a footprint approximately two-thirds of the size of the site with car parking and storage facilities to the rear.
- The Station Road frontage of the site is located within a primary shopping frontage.
- The building is three-storey in height fronting onto Station Road. To the rear the building reduces down to two storeys. The building has ancillary plant and machinery on the roof of the two-storey part of the building and at the rear.
- The entire property is currently vacant. The ground floor was most recently occupied by Burger King and has a Class A3 authorised planning use. Access to the first and second floors is via a doorway on the northern side of the frontage.
- The first and second floors are vacant and have a Class B1 (offices) authorised planning use but planning permission was granted on 27 September 2010 to extend the time limit to implement an extant permission to convert the first and second floors of the property to 6 self-contained residential units.
- The attached building to the south is a two-storey building (but the same height as the building on the application site) and has a retail unit and a financial and professional services unit on the ground floor. The first floor of the premises has an authorised use as B1 (offices) and appears to be vacant.
- The neighbouring building to the south, No.319, is sited forward of the application building and is a two-storey building with a hipped and pitched roof and has a retail unit on the ground floor and B1 (office) use on the first floor.

Proposal Details

- It is proposed to extend the existing building on the site to provide an additional floor on the Station Road frontage and redevelop the Havelock Place side of the site to provide a five-storey building fronting Havelock Place. It is also proposed to extend and alter the internal areas of the basement.
- The four-storey and five-storey buildings fronting Station Road and Havelock Place respectively would be separated by approximately 15 metres and would be connected by a single storey link.
- The redeveloped buildings on site would provide a through-retail use (A1 use class) on the ground floor from Station Road through to the Havelock Place frontage. The upper floors of the buildings on the site would provide 22 residential units.
- The ground floor would provide 595sqm of retail floor space with ancillary retail

space in the basement.

- The basement would also provide for ancillary residential space, bike storage and plant.
- The residential units would all be for private sale or rent and would comprise: 4 studio units, 13 one-bed units, 3 two-bed flats and 2 three-bed duplex apartments.
- All of the units, with the exception of the 2 three-bed duplex apartments would meet or exceed the minimum Gross Internal Area (GIA) standards set out in the London Plan and the Council's adopted SPD: Residential Design Guide. These two units would provide 92 and 94sqm for each 5-person 3-bed unit falling 4 and 2 sqm respectively short of the minimum space standards.
- Private amenity space would be provided for 12 of the units and 133sqm of communal amenity space would be provided on the first floor, on the roof of the ground floor link.
- The four residential units on the Station Road frontage would be accessed via an entrance on the northern side of the ground floor.
- The other 18 residential units within the five-storey building fronting Havelock Place would be accessed via an entrance on the northern side of the Havelock Place frontage.
- The Havelock Place frontage would also have a service entrance on the northern side.

Relevant History

LBH/30169

Alterations to front elevation and change of use from public house to restaurant with two floors of offices over with parking

Granted: 03 July 1986

P/3224/04/DFU

Conversion of first & second floor offices (Class B1) to six self-contained flats (Class C3) and alterations

Refused: 07 February 2005

Reasons for Refusal:

1. The proposed conversion, by reason of its internal arrangement resulting in conflicting stacking of bedroom and non-bedroom uses, and in the absence of detailed arrangements for the storage of refuse and recycling facilities, would constitute a substandard residential conversion leading to unsatisfactory living conditions for future occupiers.
2. The proposed conversion, by reason of the poor outlook of flats at the rear, noise and disturbance from the ground floor restaurant/take-away and potential fumes, odour and vibration from the rooftop plant and equipment at the rear, would constitute a substandard residential conversion leading to unsatisfactory living conditions for future occupiers.
3. The proposed conversion, by reason of its layout, would result in the formation of protected habitable room windows in the south flank elevation that could be prejudicial to the redevelopment of the adjacent site.

P/1838/05/DFU

Conversion of first and second floor offices (Class B1) to six self-contained flats (Class C3); Alterations; Relocation and enclosure of plant/ductwork on roof at rear

Granted: 02 September 2005

P/2056/10

Extension of time to planning permission P/1838/05/DFU dated 02/09/2005 for 'Conversion of first and second floor offices (Class B1) to six self-contained flats (Class C3); Alterations; Relocation and enclosure of plant/ductwork on roof at rear
Granted: 27 September 2010

P/2020/11

Single storey rear and basement extension to commercial premises (Use Class C3); New shopfront; External alterations
05 October 2011

Applicant Submission Documents

- Transport Statement;
- Energy Report;
- BREEAM Design Stage Assessment;
- Design and Access Statement;
- Statement of Community Involvement;

Consultations

Campaign for Better Harrow (summarised as follows):

- Five-storey scale of the building is considered to be inappropriate in this location as there are three or three and a half storey buildings in the locality and Station Road and Havelock Place are very narrow
- High number of studios or one-bed units
- Size of 2 bed four person units is small
- Reduction in number of single units and increasing number of 2 bed units would make the development more saleable and meet Harrow's housing needs more appropriately
- Suggested that development along Havelock Place should not prejudice further development of this area

Drainage Team

No objections subject to conditions

Highway Authority (summarised as follows):

The principle of the development, the traffic generation, car parking, access and refuse arrangement are considered to be acceptable subject to appropriate conditions.

Advertisement: Major Development

Expiry: 28 June 2012

Site Noticed Erected: 26 June 2012

Expiry: 17 July 2012

Notifications

Sent: 262

Replies: 0

Expiry: 20 June 2012

Neighbours Consulted:

Station Road: 286, 286a, 289, 289a, 291, 291a, 291b, 292, 293, 294, 295a, 296, 296b, 297-301, 298, 300-302, 303-305, 304-308, 305, 307, 307a, 308, 309, 309a, Upper Flat

310, 311, 311a, 311b, 312, 312b, 313, 313a, 313b, 314, Ground floor at 314, First and Second floor at 314, 315, 316, 316a, 317, 318, 319, 320, 320a, 320b, 321, 322, 321a-327, 322a, 323, 324, 324a-f, 325, 326a, 328, 330, Flat 1 329-331, 333, 333a, 334, O'Neill's Pub 335-339, 335a, 336-338, 339a, 340, 341, 341a, 341b, 342-348, 343, 343a, 344-350, 345, 345a, 345b, 345c, 347, 350, 351-353, 352

303-305 Station Road: First floor, Flats 1-5

295a Station Road: Flats 1-13

York House, 353 Station Road: Suites 1a, 1b, 1c, 1d, 2a, 2b, 3, 4a, 4b, 4c, 5a, 5b, 5c, 6, A1, A2, B, 7b, 7c

Trinity House, 326 Station Road: First and Second floor offices

St. Ann's Road: 2, 2a, 2b, 2c, 4, 4a, 6, 10, 10a, 10b, 8, 8a, 9, 11-15, 12, 14, 14a, 14b, 15, 16-22 (even), 18a, 18b, 19, 20a, 21, 22b, 23-25, 26-28, 27, 29, 30, 30b, 31, 32-36 (even), 33, 35-27, 38-40, St Ann's House (38-44), 42, 44, 46, 48, Kiosk Opposite 1-9, Kiosk opposite 50, Kiosk fronting 50

Natwest House, 1-9 St. Ann's Road: Ground, first and Second floor offices

Sheridan House, 17 St. Ann's Road: First Floor office, Second floor office, Part third floor rear office, Part third floor front office, Fourth floor office, Fifth floor office,

11-15 St. Ann's Road: Basement, Ground, Second, Third Floors

College Road: 2, 4, 4-10, 6, 8, 12a, 12, 14, 16, 18, 20, 22-24, 22a, Flats 26a and 28a, 30, 30a, 32, 32a, 32b, 34, 36, 36b, Granville Parade,

4-10 College Road: Flats 1-12

Havelock Place: 2, Warehouse club, The Original Pastie House, Fitness Club, Mind In Harrow (8),

Summary of Responses:

- None

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004

MAIN CONSIDERATIONS

- 1) Principle of Development and Land Uses
- 2) Affordable Housing
- 3) Housing Density and Unit Mix
- 4) Design, Character and Appearance of the Area
- 5) Layout and Amenity
- 6) Traffic, Safety and Parking
- 7) Accessibility
- 8) Development and Flood Risk
- 9) Sustainability
- 10) Environmental Impact Assessment
- 11) Statement of Community Involvement
- 12) Development Obligations
- 13) S17 Crime & Disorder Act
- 14) Consultation Responses

1) Principle of Development and Land Use

The recently adopted National Planning Policy Framework sets out a presumption in favour of “sustainable development”. The NPPF defines “sustainable development” as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF sets the three tenets of sustainable development for planning to be; to play an economic, social and environmental role. The NPPF, following the deletion of the Planning Policy Statements and Guidance Notes, continues to advocate that new development should firstly be directly towards previously developed land, recognising that “sustainable development” should make use of these resources first. The adopted Harrow Core Strategy 2012 sets out the spatial vision for the borough and along with the London Plan, identifies the Harrow and Wealdstone area and the corridor between these areas as an Intensification Area which should be the focus for regeneration, providing a significant portion of new development in the borough, including almost half of all new homes over the plan period. The Harrow and Wealdstone area has been identified as an Intensification Area in recognition of the ability of this area to deliver the highest levels of “sustainable development” in terms of the available infrastructure and contribution that pooled resources can make to infrastructure in this area.

The application site is currently vacant and has been for a considerable period of time (at least two years). The site constitutes previously developed land and the application seeks to extend the existing building on the site and provide a redevelopment of the Havelock Place frontage of the site to provide retail use on the ground floor and residential uses on the upper floors. The site is located within a section of primary frontage of the Station Road side but the Havelock Place frontage is undesignated.

The provision of a retail use on the ground floor would provide an active retail function on the ground floor and would therefore have a positive impact on the vitality and viability of the area. It is considered that the retail A1 use unit would provide a more appropriate land use within the primary shopping frontage of the Harrow town centre than the lawful A3 restaurant use of the property. Though the provision of the ‘through-unit’ onto Havelock Place may detract to some extent from the retail offer of the existing shopping areas of the town centre, it is noted that the draft Harrow and Wealdstone Area Action Plan [AAP] identifies Havelock Place within the revised ‘primary shopping centre’ and as

a Proposal site. The proposed vision for Havelock Place is to provide active mixed used frontages to Havelock Place to create pedestrian through routes from St. Ann's Road to College Road and Harrow on the Hill station. Though the AAP is not yet adopted, and should therefore be afforded limited weight, providing an active retail function on the ground floor would encourage pedestrian activity along the Havelock Place and vibrancy in this area. The proposed development would therefore provide a driver for future investment in this location and would accord with the strategic aims of the Core Strategy in responding positively to the character of the area and enhancing the vibrancy and appearance of the area. The provision of a through shop unit, with ancillary storage space in the basement is also likely to prove attractive to retail users, as it provides a number of options for fit out of the unit.

The first and second floors of the existing property on the site have a lawful B1 office use. These units have been vacant for a considerable period of time and the principle of the change of use of these units from B1 office use to residential use has previously been accepted in planning applications P/1838/05/DFU and P/2056/10 granted on 02 September 2005 and 27 September 2010 respectively. These units have remained vacant in the interim and have little prospect of being used for B1 office use. The applicant has provided marketing information which demonstrates the low prospects of attracting an occupier and the relatively high levels of availability of other B1 office space in the area, and though the information submitted is relatively scant, the information broadly reflects the Council's own monitoring of the office market in the town centre. Paragraph 51 of the NPPF encourages local planning authorities to approve applications for changes of use from B1 office to C3 residential use provided there are not strong economic reasons why such development would be inappropriate. It is considered that there are no such economic reasons in this instance and, given there are no land uses in proximity to the site which would adversely affect residential amenity and the residential use of upper floors would add to the vibrancy and sustainability of the town centre, the proposed use of the of the building for residential use is deemed to be acceptable. Nonetheless, to offset the loss of employment floorspace, it is considered necessary to provide development contributions and submit a recruitment management and training plan for the development as set out in Heads of Terms at the beginning of this report the for re-provision of jobs on and off site.

The partial redevelopment of the site, in light of the previously developed nature of the land, would be acceptable in principle and it is considered that the proposed land uses i.e. retail with residential above, would be appropriate in this location. The draft AAP identifies that the buildings fronting Havelock Place should be 3-5 storeys in scale and the building heights would accord with this draft policy requirement. The scale and bulk of development on the site is considered in further detail in the design and character section of the report below

The proposed land uses and redevelopment of this previously developed land would positively contribute to the retail function of the Station Road area, re-introducing an active retail frontage to this property and helping to invigorate investment and introducing a retail function to the Havelock Place area, an identified proposal site within the draft AAP. The loss of employment space has previously been accepted on the site and in light of the prevailing economic conditions, it is considered that the proposed alternative residential use on the site would add positively to the vibrancy and vitality of the area, whilst contributing towards housing targets for the Intensification Area and the borough. Accordingly, it is considered that the proposed development would accord with the strategic spatial strategy for the borough outlined in the Core Strategy in strengthening

the role of Harrow Metropolitan Centre as a prosperous retail location, increasing the provision of jobs in the area and providing housing in the area.

2) Affordable Housing

Policy CS1.J of the Harrow Core Strategy 2012 sets an aim for 40% of new housing development in the borough to be affordable housing and states that the Council will seek the maximum reasonable amount of affordable housing on all development sites with a capacity to provide for ten or more units having regard to various criteria and the viability of the scheme. Such requirements are in line with London Plan policy 3.12.A/B which requires the maximum reasonable level of affordable housing to be provided. The reasoned justification of policy 3.12.A/B of The London Plan 2011 states that boroughs should take a reasonable and flexible approach to securing affordable housing on a site by site basis.

The applicant has submitted the application on the basis of 0% offer of affordable housing. The 0% affordable housing offer is justified by the applicant in stating that the provision of affordable housing on the site is not viable and any requirement to provide affordable housing on the site would render the scheme unviable and undeliverable. In support of this statement the applicant has submitted a GLA Three Dragons toolkit assessment of the viability of the scheme.

The Council's Housing and Corporate Estates Team have reviewed the submitted documents and consider that the statements of the applicant are broadly fair in respect of the viability of the scheme and affordable housing on the site is unlikely to be realised. However, it is considered that the viability report does make some assumptions in relation to the exiting use value (EUV), development build cost and potential open market value of the units which are not entirely supported. It is considered that savings could be made in comparison with the assumptions of development build cost and also that greater revenue that could be achieved for some of the units within the development proposal. However, it is accepted that these savings and additional revenues may not be fully realised and the additional revenue of the scheme cannot therefore be guaranteed. As such, and as set out at paragraph 3.75 of The London Plan 2011, it is considered appropriate to provide an obligation within the s106 Agreement that requires the developer to submit a reassessment of the viability of the scheme prior to 80% of the residential units on the site being occupied. Any additional revenues generated by the scheme above the assumed levels set out in the viability report should be captured by the provision of affordable housing on the site or the re-provision of affordable housing elsewhere. Subject to such an obligation, it is considered that the development would accord with policy 3.12.A/B of The London Plan 2011 and policy CS1.J of the Harrow Core Strategy 2012.

3) Housing Density and Unit Mix

London Plan policy 3.8 and Harrow Unitary Development Plan (2004) saved policy H7 require new development to provide a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. London Plan 3.4 sets out a range of densities for new residential development.

Density

The site is considered to be within a urban location and has a high Public Transport Accessibility Level [PTAL] of 6a. The London Plan sets out at Table 3.2 appropriate densities for various different areas. Table 3.2 sets out that a density of 70-260 units per hectare and 200-700 habitable rooms per hectare would be most appropriate for this site.

The development proposes a density of 224 u/ha and 469hr/ha which is within the levels set out in The London Plan 2011. In the context of the design and layout of the development and other site constraints, it is considered that such a density is appropriate in this location.

Unit Mix

The London Plan policy 3.9 and Harrow Unitary Development Plan (2004) saved policy H7 require new development to provide a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.

The development provides a mix of studios, one-bed, two-bed and three-bed units of various sizes. For a scheme of this scale and location in a town centre location which is likely to be attractive to small family or professional groups, it is considered that the units would be appropriate and would accord with development plan policies.

4) Design, Character and Appearance of the Area

Good design lies at the heart of national planning policy guidance. London Plan policies 7.4.B, 7.5.B and 7.6.B and saved policy D4 of UDP set out a number of design objectives that new developments should seek to achieve, with the underlying objective of requiring new development to be of high quality design. Policy 7.4.B and saved policy D4 of the UDP pay particular reference to design being correct in its context and respecting the public and local realm. Policy CS1.B of the recently adopted Core Strategy requires all new development to respond positively to local context in terms of design, siting, density and spacing and reinforce the positive attributes of local distinctiveness.

The site is located within Harrow Metropolitan Centre and within the primary shopping area identified in the draft AAP. As such, the surrounding area has strongly urban character, without any significant coherence or commonality of design with the exception of the three-storey Victorian terrace buildings to the south of the site on Station Road. Building such as the Natwest Bank building, a Grade II Listed Building, the four-storey office building at 11-15 St. Ann's Road and Sheridan House provide significant landmark buildings in the immediate area and the differences in form and design of these buildings is indicative of the variances in the built form in the locality. In close proximity to the site, these buildings nonetheless serve to contextualise the development site. Havelock Place has developed primarily as an ancillary service road and as a result provides poor visual amenities to this location.

Scale and Siting

The proposed additional floor on the Station Road frontage would be distinct from the existing building in that a parapet would be provided above the existing front façade and the front façade of the additional floor would be sloped away from the front elevation in a mansard style roof form. The distinct difference in the materials of the additional floor and the main front façade would also mark the additional floor out. The scale of the building on the Station Road frontage is considered to be appropriate as it would broadly follow from the overall height of the Victorian three-storey terraces to the south. Though higher than the Natwest building to the north, this building is set forward of the application site, and all the buildings along the western side of Station Road, and the proposed development would not reduce its prominence. The differences in height between the application building and the Natwest building are also considered to be appropriate given the changing levels of Station Road which rises to the south. Though is acknowledged that the immediate buildings to the north and south are two and three storeys in scale respectively, these building are anomalous within their context. In any event, the siting

and design of the additional floor back from the main front façade of the building line and the fact that the building to the north is sited well forward of the application building would ensure that the development proposal would not have an overbearing impact upon these buildings.

On the Havelock Place frontage, the proposed development would be five storeys in height. To provide 100% dual-aspect units in the development and reduce the prominence of the development of this frontage, the building is set in from the side boundaries by 2.6 metres. The five-storey scale of the building approaches the upper end of the height of buildings suggested in the draft AAP for this frontage. Nonetheless, the application site is adjacent to buildings at the higher end of Havelock Place, such as the seven-storey Sheridan House and the four-storey office building at 11-15 St. Ann's Road (this building appears to have higher ceiling levels than the proposed five-storey building and is approximately half a storey lower than the building proposed on the application site). In addition, the service yard area on the western side of Station Road is unlikely to be developed and will remain open, thereby avoiding any 'canyoning effect' at the northern end of Havelock Place. Furthermore, and as will be discussed in further detail below, the design of the building is considered to be of high quality. In the context of the existing high buildings adjacent to the northern end of the site, the likely openness of the western side of Havelock Place that would be maintained beyond any potential development of the Havelock Place proposal site outlined in the draft AAP and the high quality of the proposed building, the scale and siting of the building fronting Havelock Place is considered to be appropriate.

The two main buildings on the site would relate well to each other, providing an appropriate distance between them so that the buildings would not appear confused and would be viewed distinctly and independently. The landscaped and communal amenity area between the buildings would help provide a setting for the building when viewed internally. The building lines along Station Road are clearly established and the development proposal would provide a clear cue and strong building line along the Havelock Place frontage for future development in this location.

Design and Appearance

The development proposes a building of four and five storey scale fronting Station Road and Havelock Place respectively. The development proposal would be modern and contemporary in appearance. Paragraph 60 of the NPPF encourages local planning authorities to adopt policies which do not stifle innovation, originality or initiative. In the absence of any regular rhythm, distinctiveness, or established pattern of development in the surrounding area, it is considered that the design treatment of the site with modern, contemporary materials would be appropriate and offers an opportunity to create a distinctive development in itself, rather than solely seeking to create a pastiche of the surrounding development styles. The encouragement for innovative design is supported by saved UDP policy D4 which suggests in supporting paragraph 4.10 that new buildings should set standards for future development, not necessarily mimic what already exists.

The applicant has indicated in the submitted Design and Access Statement that careful consideration has gone into the design ethos of the development proposals. The design of the building has sought to address the specific constraints of the site, namely the elevation changes from front to rear and the relatively narrow nature of the site whilst also addressing the public realm in an appropriate fashion. It is considered that the design proposal has successfully addressed these constraints on the site.

The building fronting Havelock Place would have a more contemporary appearance than that fronting Station Road as it is considered that the streetscene in this location offers more opportunity to provide a landmark building within the existing context of poor visual amenities in this area and the absence of any established form of development. The front and side elevations would contain modern design treatments, such as offset and irregular windows and balconies set within a 'box' grid structure, angled glass louvres over windows and recessed balconies. Above the retail unit, a high brick upstand would be provided to distinguish the unit as a retail unit. The residential units on the upper floor would be clearly demarcated as residential units by the design treatment. The materials proposed in the Design and Access Statement are considered to be of high quality and would ensure an acceptable finish to the building. The dark brick would contrast with the red brick used in the landmark building to the north. However, the proposed building will have a different land use and, in the absence of any regular pattern of development or distinctive high quality brick type in locality, it is considered that the use of dark brick would not adversely affect the character of the area, provided these are of high quality. The type of brick, and all external materials would be secured by condition. The brick type would also fit in the design ethos of the building whereby 'boxes' are proposed to surround the fenestration and a significant level of glazing would be used.

The building fronting Station Road would appear more traditional in form. The 'box' design ethos of the Havelock Place frontage and the more contemporary additional floor extension would provide the building with a more contemporary feel than the neighbouring properties. The brick treatment on the Station Road façade would, however, appear more muted and similar to the surrounding properties. The 'box' detail around the windows in association with the contemporarily designed additional floor extension, within the more traditional appearance along Station Road, is considered to be appropriate and would provide a link between the design ethos of the Station Road and Havelock Place buildings. However, care is required to ensure that these do not appear stark in contrast to the more muted brick on this façade. Accordingly, and notwithstanding the detail shown in the Design and Access Statement, details and samples of the materials to be used on this elevation will be secured by condition.

The design of the retail façade is considered to be acceptable and would appropriately relate to the public realm. The provision of a through retail unit would encourage permeability between Station Road and Havelock Place and would have a positive impact on the appearance of the locality.

Landscaping and the Public Realm

The development would provide a green roof, along with hard landscaping with a forecourt style area, located between the buildings fronting Station Road and Havelock Place. This area would provide private and communal amenity areas and would enhance the appearance of the scheme. To ensure appropriate species and materials are used in these areas, conditions are attached requiring details of the green roof construction, species planting and the hardsurfacing materials.

As the buildings on the site would abut the boundaries of the site, no provision is made for the setting of the building, in common with other surrounding buildings in the town centre. Though the high quality design of the buildings would ensure that any adverse impacts upon the character of the area are minimised, the development will derive its setting from a high quality public realm adjacent to the site from which residential occupiers and retailers will benefit. The upgrading of the public realm adjacent to the site will require significant investment of public resources and it therefore considered

reasonable and necessary to secure a financial contribution towards investment in the public realm as set out in the Heads of Terms in the s106 Agreement.

Refuse and Servicing

Refuse stores would be located internally, serviced from Havelock Place, and would not therefore affect the appearance of the area. These refuse stores would be adequate for the purposes of the development and would ensure servicing arrangements would not be compromised.

The proposed development would provide a high quality development on the site which would appropriately address the public realm. The contemporary design of the building fronting Havelock Place would add positively to the built form within the town centre, setting out a high quality contemporary design that other developments in the town centre will set as a standard. It is considered that the development proposal would be appropriate and would accord with policies 7.4.B and 7.6.B of the London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and saved policies D4 and D7 of the Harrow Unitary Development Plan.

5) Layout and Amenity

Neighbouring Amenity

The sites immediately adjacent to the application site are all commercial properties primarily with B1 office uses, with other commercial uses on the ground floors. The Station Road building would align with the neighbouring building to the south and would not therefore impact on this property. The rear of the Station Road building line would project beyond the rear of the neighbouring property to the north. However, given the use of this building and the relatively minor addition to the scale of the Station Road building, it is considered that this element would not adversely affect the amenities of the neighbouring properties to the north.

The lateral core (north/south axis) of the building fronting Havelock Place would align with the neighbouring building to the north, 11-15 St. Ann's Road. The central core (west/east axis) of the building would be set away from this building by 2.6 metres. The rear part of the central core would only project 4.3 metres beyond the rear of 11-15 St. Ann's road and loss of light or overbearing impacts to the rear of this building would not be unreasonable, given these distances. The western elevation of 11-15 St. Ann's Road, facing Havelock Place features a undercroft car parking entrance on the ground floor and three windows openings at first, second and third floor adjacent to the application site. These windows are approximately one metre from the boundary of the application site and in association with the set in of the central core (west/east axis) 2.6 metres from the northern boundary of the site, the building would be 4 metres away from this part of the building. Given the use of 11-15 St. Ann's Road and these distances, it is considered that the development would not result in any unreasonable impacts upon the amenities of this property.

The neighbouring property to the south, 325 Station Road, features a two-storey projection which extends in close proximity to the rear boundary of the site. On the rear elevation there are some high level openings which appear to serve ancillary spaces for this building. As this rear projection would extend closer to the highway of the Havelock Place than the proposed building (where it would abut the southern boundary of the application site), the rear projection does not have any significant windows on the western elevation of the building and is located to the south of the application site, it is considered that the proposed development would not adversely impact upon the

amenities impact of this property.

As such, it is considered that the proposed development would not adversely affect the amenities of any of the neighbouring occupiers, thereby accords with policy 7.6.B of The London Plan 2011 and saved policies D4 and D5 of the Harrow Unitary Development Plan 2004.

Layout and Future Occupiers

The site is located in a town centre location and the surrounding land uses would not adversely affect the amenities of the future occupiers of the units. All of the proposed residential units would be dual-aspect. The applicant has indicated that 100% of the studios, kitchens and bedrooms in the development would achieve and exceed the minimum BRE standards. Though just 70% of living rooms and dining rooms would meet the minimum daylight standards, the BRE guidance advises that lighting standards “should be imposed flexibly because natural lighting is only one of many factors in the site layout design”. In this instance, it is considered that each of the living / dining areas would have good levels of outlook which would outweigh the lower levels of light received and in this context, the amenities of occupiers would not be prejudiced.

Each of the proposed units would meet and exceed the minimum space standards set out in the London Plan and Harrow’s adopted SPD: Residential Design 2010, with the exception of the two 3-bed duplex units fronting Station Road which would fall 4 and 2 square metres below the adopted standards respectively. Though these units would not, on the face of it, accord with adopted policy, each of these units are laid out in a fashion so as to maximise the space available. Both units are dual aspect and benefit from significant external amenity areas, considering the town centre location. As such, though the units would fall just below the minimum space standards, it is considered that these units would constitute high quality layout and design and would therefore accord with saved policies D4 and D5 of the UDP.

The proposed development would, in the main, stack appropriately in a vertical fashion, with the exception of some of the units on the upper floor of the building fronting Havelock Place (issues arise in relation to just three of the units). Though some level of noise transfer between the units may then be experienced through the units, given the new build nature of development, it is considered that compliance with Building Regulations would adequately ensure that the amenities of future occupiers would not be prejudiced by such minor conflicts in vertical stacking terms.

The building fronting Station Road and Havelock Place would be separated by a minimum distance of 13-15 metres, whilst care has been taken to ensure that the limited number of habitable windows on the rear wall of the Station Road building would not look directly towards the rear of the Havelock Place building and no overlooking between the proposed units would therefore occur. Though occupiers of the units within the Havelock Place building would have some views over the external amenity areas of the units within the Station Road building, it is considered that high levels of privacy in town centre location are unlikely to be realised and the provision of external amenity areas for those units that would experience minor levels of overlooking would be preferable to the omission of these external amenity areas in overall layout and design terms. Overlooking between units would generally be restricted by the high quality layout of the scheme and design elements such as glass louvers.

External amenity spaces would be provided for 12 of the 22 units and 133sqm of

communal amenity space would be provided. It is considered that such a provision of amenity space would be relatively high for this town centre location and would be appropriate.

Noise

The applicant indicates within the energy report that air source heat pumps may be provided to heat and cool the retail unit. However, such mechanical plant has not been indicated on the submitted plans and would require the specific grant of planning permission. To ensure future residential occupiers and adjoining properties would not experience unreasonable levels of noise from such mechanical plant, a condition is attached in this respect.

The proposed development would provide a high quality layout and design and care has been taken to ensure the privacy and amenities of all occupiers would not be compromised. Accordingly, it is considered that the proposed development would accord with policies 7.6.B and 7.15.B of The London Plan 2011 and saved policies EP25, D4 and D5 of the Harrow Unitary Development Plan 2004

6) Traffic, Safety and Parking

The development proposes a 'car-free' scheme and would provide 36 cycle spaces. The site has a high PTAL level of 6a and a 'car-free' scheme is considered to be appropriate. It is considered that patronage of the retail use would be accommodated for by public transport primarily and the residential accommodation would be catered for by the bicycle storage and public transport. To ensure the development would not adversely affect parking pressures in the area, a condition is recommended to restrict residents of the proposed residential units from obtaining parking permits. Such a condition would ensure that existing on-street parking pressures and highway safety would not be adversely affected by the proposed development.

The development provides for extensive servicing facilities within the basement and in appropriate locations on the Havelock Place frontage and servicing arrangements would not therefore adversely affect highway safety or convenience.

As discussed above, it is likely that the proposed development will rely heavily on the public transport system within the Harrow area, thereby placing additional pressures on a system which will require substantial investment over the life of the development. It is therefore considered appropriate and necessary to provide contributions towards public transport improvements within the borough.

The Highway Authority have commented on the application and consider that the development would not adverse affect highway safety and convenience or parking in the locally. Subject to conditions and the obligations of the s106 Agreement, it is considered that the proposed development would accord with policies 6.2, 6.3.A/B/C and 6.13.C/D/E of The London Plan 2011 and saved policies T6 and T13 of the Harrow Unitary Development Plan 2004.

7) Accessibility

The applicant has indicated in the Design and Access Statement and the submitted plans that all residential units would be Lifetime Homes and 3 units would be wheelchair homes. The development would thereby accord with London Plan policy 3.5 and 7.2.C, policy CS1.K of The Harrow Core Strategy 2012 saved UDP policies D4 and C16 and the adopted SPD: Accessible Homes 2010.

The applicant has indicated that the retail unit would accord with Equality legislation standards and this would be secured under Building Regulations legislation in any event. It is therefore considered unnecessary to attach conditions requiring the development to accord with accessibility standards as this would be secured under other legislation and a planning condition would introduce unnecessary duplication.

8) Development and Flood Risk

The site is not located within a flood zone. However, given the potential for the site to result in higher levels of water discharge into the surrounding drains which could have an impact on the capacity of the surrounding water network to cope with higher than normal levels of rainfall, the Council's Drainage Team has commented on the application and recommended conditions to ensure that development does not increase flood risk on or near the site and would not result in unacceptable levels of surface water run-off. Subject to such conditions, which should be provided before the development commences, the development would accord with National Planning Policy, The London Plan policy 5.12.B/C/D and saved policy EP12 of the UDP.

9) Sustainability

Policy 5.1 of The London Plan (2011) seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Policy 5.2A/B of The London Plan (2011) sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A. Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009).

The applicant has submitted a services and energy strategy for the building which indicate that the retail unit will achieve a 'very good' BREEAM rating. The residential units will achieve Code for Sustainable Homes Level 4 and will achieve a 25% reduction in target carbon emissions set out in 2010 Building Regulations. Accordingly, the development would accord with development plan policies. To ensure compliance with these standards, a condition is attached requiring a post occupation assessment of energy ratings, demonstrating compliance with the submitted BREEAM Assessment and energy report.

10) Environmental Impact Assessment

The application has been screened under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 (as amended) and it is considered that the development does not constitute Environmental Impact Assessment (EIA) Development as the development would have relatively low environmental impacts.

11) Statement of Community Involvement

The applicant has submitted information relating to pre-application discussions with local residents. Though consultation has been relatively nominal, it is considered that the applicant has fulfilled their obligations as set out in the NPPF and Localism Act.

12) Development Obligations

In addition to the obligations and contributions referred to in the report above, as the development does not propose to provide health care infrastructure and the residential properties would result in a person yield of approximately 37 persons which would place additional pressures on the health care system, it is considered that the development proposal should provide contributions towards health care. These contributions are based

on the expected person yield of the development and are considered necessary to make the application acceptable, in accordance with policy 3.2 of The London Plan 2011 and policies CS1.Z/AA and CS2.Q of the Harrow Core Strategy 2012.

13) S17 Crime & Disorder Act 1998

Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. The applicant has not specifically referred to the prevention of crime in the design proposal but it is considered that the development design would not result in any specific concerns in this respect. Nonetheless, it should be demonstrated that the development would accord with 'Secured by Design' principles. It is considered that this requirement could be secured by condition. Accordingly, and subject to a condition, it is considered that the proposed development would not increase crime risk or safety in the locality, thereby according with policies 7.3.B and 7.13.B of The London Plan 2011 and saved policy D4 of the Harrow Unitary Development Plan 2004.

13) Consultation Responses

Five-storey scale of the building is considered to be inappropriate in this location as there are three or three and a half storey buildings in the locality and Station Road and Havelock Place are very narrow

The scale of buildings and their context within the locality has been considered in detail in section 4 of the Appraisal above.

High number of studios or one-bed units

The mix of units within the development has been considered in section 3 of the Appraisal above.

Size of 2 bed four person units is small

The size and quality of the units in the development proposal has been considered in detail in section 5 of the Appraisal above

Reduction in number of single units and increasing number of 2 bed units would make the development more saleable and meet Harrow's housing needs more appropriately

The relative attractiveness of the units to the market cannot be accurately quantified. However, it is considered that the units are likely to be attractive to a number of community groups. Housing needs within the borough cover a range of sizes and it is considered that the proposed development would meet identified housing needs. In addition, the application must be assessed on its merits and the viability and hence the deliverability of the scheme may be threatened by a revised mix of units within the scheme

Suggested that development along Havelock Place should not prejudice further development of this area

The status of the development plan and the impact that development may have in future development has been considered in section 4 of the Appraisal above

CONCLUSION

The proposed development would provide investment into this prominent site within Harrow town centre to a site which has remained vacant for a considerable period of time. The loss of B1 office space on the site would be offset by the provision of a high quality retail unit on the ground floor and development contributions which would be secured. The proposed development would provide a high quality building on the site which would encourage investment in the locality and provide a stimulus for the future development, whilst providing high quality retail and living spaces for future users of the development. The development would also contribute to reducing the borough's carbon emissions and would not adversely affect traffic or highway safety or convenience. The development would secure contributions towards infrastructural requirements in the town centre and would have a positive impact on the vibrancy and vitality of the area whilst positively contributing towards the strategic objectives of the development plan in providing high quality development in the Harrow and Wealdstone Intensification Area

For these reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant.

CONDITIONS:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 Notwithstanding the details of materials shown on the approved drawings, the development hereby permitted shall not commence until samples of the materials to be used in the construction of the all external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

a: the proposed buildings (including façade cladding materials)

b: the hard surfacing materials for the communal amenity area

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011, policy Cs1.B of the Harrow Core Strategy 2012 and saved policy D4 of the Harrow Unitary Development 2004

3 Before the commencement of development on site, details of the green roofs and landscaped area on the first floor shall be submitted to, and approved in writing by the Local Planning Authority. The details shall include:

a: Plant selection comprising predominately native species appropriate to and applicable for aspect and use to encourage biodiversity

b: An agreed mix of species to be planted within the first planting seasons as agreed in writing by the Local Planning Authority, following practical completion of the building works.

The development shall be carried out in accordance with the details approved, and shall thereafter be retained in that form, unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that the green roof would have an acceptable appearance on the character and appearance of the locality in the longer term, thereby according with

policies 5.3.B/C and 7.4.B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and saved policies D4 of the Harrow Unitary Development Plan 2004

4 All planting, seeding or turfing comprised in the approved details of green roofs and landscaping plans shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and saved policies D4 and D9 of the Harrow Unitary Development Plan 2004

5 Prior to the commencement of works onsite, additional details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the building and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area, thereby according with policy 7.4.B of The London Plan 2011 and saved policy D4 of the Harrow Unitary Development Plan 2004.

6 Notwithstanding the approved plans, no ventilation, extraction systems or associated ducting shall be introduced onto the exterior elevations of the building without the prior written permission of the Local Planning Authority.

REASON: To ensure an appropriate standard of development which provides a high quality appearance in the interests of the visual amenity of the area, thereby according with policy 7.6.B of The London Plan 2011 and saved policy D4 of the Harrow Unitary Development Plan 2004.

7 Prior to the development hereby approved being brought into use, details of a scheme for external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that lighting within the site does not cause unacceptable nuisance to residents of the development, thereby according with saved policy D4 of the Harrow Unitary Development Plan 2004.

8 No demolition or site works in connection with the development hereby permitted shall commence the boundary of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of highway safety and the amenities of the neighbouring occupiers, thereby according with policies 6.13.C/D/E and 7.6.B of The London Plan 2011 and saved policies D4 and T13 of the Harrow Unitary Development Plan 2004

9 No plant or machinery, including that from fume extraction, ventilation and air conditioning, which may be required by reason of granting this permission, shall be installed within the building without the prior written approval of the local planning authority. Any approved plant or machinery shall be operated only in accordance the approved details.

REASON: To ensure that the proposed development does not give rise to noise or odour nuisance to neighbouring residents, thereby according with saved policies EP25, R15 and D4 of the Harrow Unitary Development Plan 2004.

10 The retail use hereby permitted on the ground floor of the development shall only be open to customers within the following hours:

0800 and 2300hrs on Mondays to Sundays and Bank Holidays;

No deliveries shall take place outside of these hours.

REASON: To safeguard the neighbouring and future occupiers of the residential units on the site from undue levels of noise and disturbance, thereby according with policy 7.15.B of The London Plan 2011 and saved policies EP25 and D4 of the Harrow Unitary Development Plan 2004

11 No construction / works in connection with the proposed development shall be carried out before 0800hrs or after 1800hrs on weekdays and Saturdays or at any time on Sundays or Bank Holidays.

REASON: To safeguard the amenity of the neighbouring occupiers, thereby according with saved policy D4 of the Harrow Unitary Development Plan 2004

12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of dust and dirt during construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the properties on the site, thereby according with saved policies D4 and T13 of the Harrow Unitary Development Plan 2004

13 Before the development hereby permitted is occupied, arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within the Controlled Parking Zone.

REASON: To ensure that the scheme adequately addresses parking pressures locally and sustainability requirements of policies T13 and D4 of the Harrow Unitary Development Plan 2004.

14 The development hereby permitted shall be carried out in accordance with the Transport Statement. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development, an assessment of the methods contained within the Transport Statement shall be undertaken submitted to the local planning authority for approval in writing.

REASON: To ensure the satisfactory provision of facilities for all users of the site and in

the interests of highway safety, in accordance with policy 6.3.A/B/C of The London Plan 2011 and saved policy D4 and T13 of the Harrow Unitary Development Plan 2004.

15 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the details as approved and thereafter maintained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk accordance with the National Planning Policy Framework 2012, policy 5.12.B/C/D of The London Plan 2011 and saved policy EP12 of the Harrow Unitary Development Plan 2004

16 The development of any buildings hereby permitted shall not be commenced until surface water attenuation and storage works have been submitted to, and approved in writing by the local planning authority. The development shall be completed in accordance with the details as approved and thereafter maintained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk accordance with the National Planning Policy Framework 2012, policy 5.12.B/C/D of The London Plan 2011 and saved policy EP12 of the Harrow Unitary Development Plan 2004

17 Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Energy Report and BREEAM Assessment; which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with the National Planning Policy Framework 2012, policies 5.2.B/C/D/E of The London Plan 2011, saved policy D4 of the Harrow Unitary Development Plan 2004 and adopted Supplementary Planning Document – Sustainable Building Design 2009.

18 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

100 Rev A; 0101 Rev A; 0110 Rev A; 0111 Rev A; 0210 Rev A; 0310 Rev A; 1099 Rev J; 1100 Rev K; 1101 Rev L; 1102 Rev J; 1103 Rev J; 1104 Rev J; 1106 Rev D; 2100 Rev K; 2101 Rev D; 3101 Rev H; 3102 Rev H; 3103 Rev I; 3104 Rev H; 3105 Rev G; 3106 Rev E; Design and Access Statement Rev C; Transport Statement; BREAAAM Assessment; Energy Report; Statement of Community Involvement

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The proposed development of the site would provide investment in the Harrow Metropolitan Centre and would contribute towards the identified development plan housing delivery targets. The loss of employment land on the upper floors of the property would be offset by the re-introduction of a high quality retail unit on the ground floor of the property within the primary shopping frontage of the town centre and development contributions towards employment and training in the borough.

The proposed redevelopment of the site would result in a modern, contemporary design that responds positively to the local context, and would provide appropriate living

conditions and retail space which would be accessible for all future occupiers of the development. The development proposal would provide a stimulus for areas identified for future investment in the town centre as well as securing contributions towards identified and required infrastructural investment in the Harrow and Wealdstone Intensification Area.

The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be satisfactory to protect the amenities of the neighbouring occupiers, whilst the development would contribute towards the strategic objectives of reducing the carbon emissions of the borough.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

National Planning Policy

National Planning Policy Framework 2012

The London Plan [2011]:

- 3.1.B – Ensuring Equal Life Chances for All
- 3.2 – Improving health and addressing health inequalities
- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Potential
- 3.5 – Quality and Design and Housing Development
- 3.6.B – Children and Young People's Play and Informal Recreation Facilities
- 3.8.B – Housing Choice
- 3.9 – Mixed and Balanced Communities
- 3.10 – Definition of Affordable Housing
- 3.11 – Affordable Housing Targets
- 3.12.A/B – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13.A/B – Affordable Housing Thresholds
- 4.7 – Retail and Town Centre Development
- 5.2.A/B/C/D/E – Minimizing Carbon Dioxide Emissions
- 5.3.B/C – Sustainable Design and Construction
- 5.7.B – Renewable Energy
- 5.9.B/C – Overheating and cooling
- 5.11.A – Green Roof and Environs
- 5.12.B/C/D – Flood Risk Management
- 5.15.B/C – Water Use and Supplies
- 6.2 – Providing public transport capacity and safeguarding land for transport
- 6.3.A/B/C – Assessing the Effects of development on transport capacity
- 6.5 – Funding Crossrail and other strategically important transport infrastructure
- 6.7 – Better Streets and surface transport
- 6.9 – Cycling
- 6.10 – Walking
- 6.12.B – Road Network Capacity
- 6.13.C/D – Parking
- 7.1.B/C/D/E – Building London's Neighbourhoods and Communities
- 7.2.C – An Inclusive Environment

- 7.3.B – Designing out Crime
- 7.4.B – Local Character
- 7.5.B – Public Realm
- 7.6.B – Architecture
- 7.13.B – Safety, Security and Resilience to emergency
- 7.15.B – Reducing Noise and Enhancing Soundscapes

The Harrow Core Strategy 2012

CS1 – Overarching Policy

CS2 – Harrow and Wealdstone

Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

EP12 – Control of Surface Water Run-Off

EP25 – Noise

EM15 – Land and Buildings in Business, Industrial and Warehousing Use Outside Designated Areas

EM24 – Town Centre Environment

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D7 – Design in Retail Areas and Town Centres

D9 – Streetside Greenness and Forecourt Greenery

C16 – Access to Buildings and Public Spaces

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

H7 – Dwelling Mix

Adopted Supplementary Planning Documents

Supplementary Planning Document: Access for All 2006

Supplementary Planning Document: Accessible Homes 2010

Supplementary Planning Document: Sustainable Building Design 2009

2 INFORMATIVE:

Please be advised that were this application attracts a liability payment of £45,675 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority upon the grant of planning permission will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £45,675 for the application, based on the levy rate for Harrow of £35/sqm and the additional net floor area of 1,305sq.m.

3 CONSIDERATE CONTRACTOR CODE OF PRACTICE

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

4 PARTY WALL ACT:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;

3. excavating near a neighbouring building, and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote **Product code:** 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

5 COMPLIANCE WITH PLANNING CONDITIONS

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

- Beginning development in breach of a planning condition will invalidate your planning permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

6 CONSTRUCTION METHODS

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

7 THAMES WATER ADVICE

Waste Comments

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments

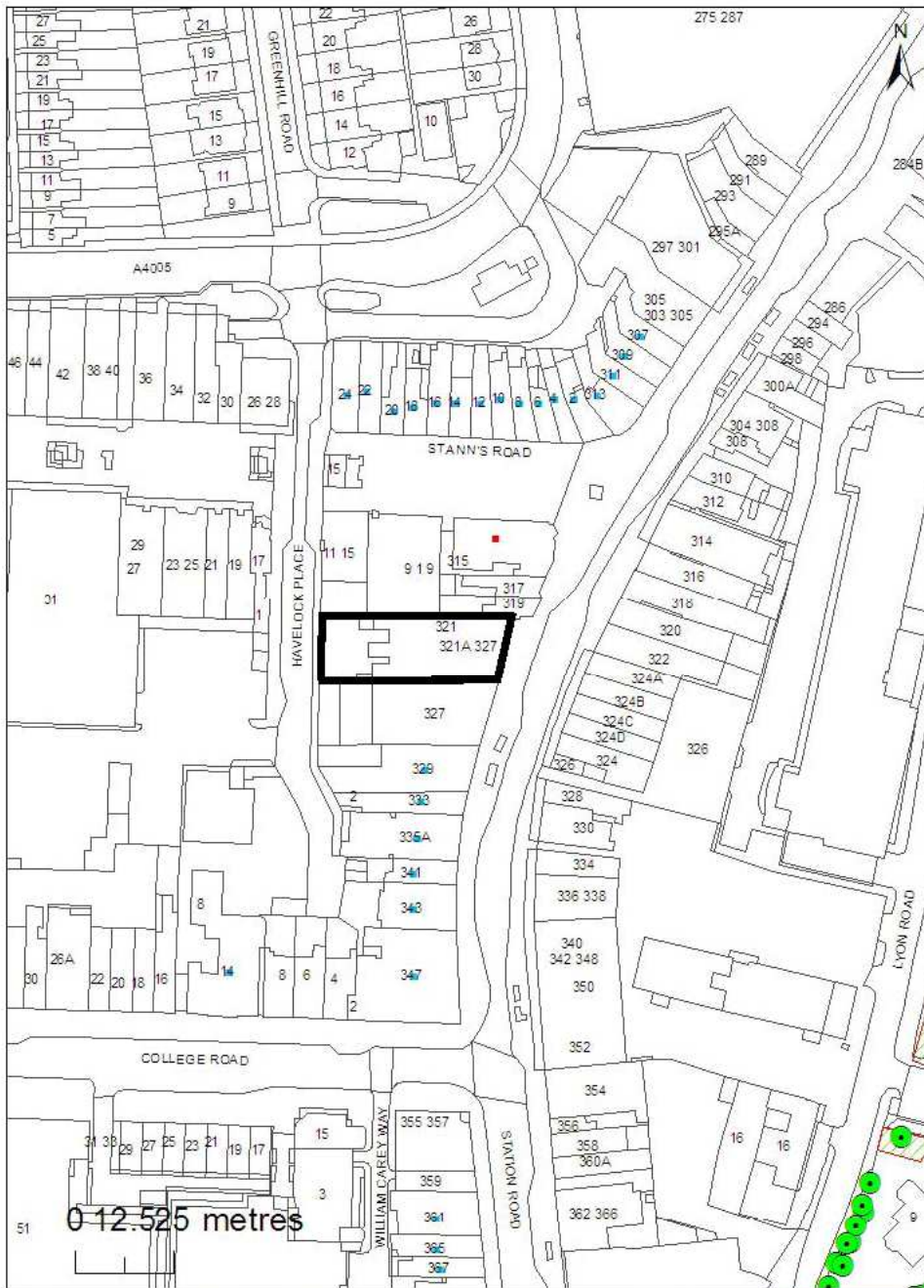
With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

8 INFORMATIVE:

The applicant is reminded of the duties set out in the Equalities Act 2010 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

Plan Nos: 100 Rev A; 0101 Rev A; 0110 Rev A; 0111 Rev A; 0210 Rev A; 0310 Rev A; 1099 Rev J; 1100 Rev K; 1101 Rev L; 1102 Rev J; 1103 Rev J; 1104 Rev J; 1106 Rev D; 2100 Rev K; 2101 Rev D; 3101 Rev H; 3102 Rev H; 3103 Rev I; 3104 Rev H; 3105 Rev G; 3106 Rev E; Design and Access Statement Rev C; Transport Statement; BREAAAM Assessment; Energy Report; Statement of Community Involvement

321 STATION ROAD, HARROW



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Item No. 1/06
Address: WOOD FARM, WOOD LANE, STANMORE
Reference: P/1981/12
Description: Discharge Of Section 106 Agreement To Planning Permission
P/2203/06/CFU Dated 17.11.2009
Ward: Stanmore Park
Applicant: Mr Gaurang Velani
Agent: Kenneth W Reed & Associates
Case Officer: ABIGAIL HEARD
Expiry Date: 10/09/2012

RECOMMENDATION

DISCHARGE CLAUSES 5.1, 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.5 AND 7.1 OF THE PLANNING OBLIGATION ATTACHED TO PLANNING PERMISSION REFERENCE P/2203/06/CFU

REASON

It is considered that the submitted construction traffic routing plan, the specifications of the visitors access road and car parking area, specifications of the all weather path which provides access from Wood Lane, specifications of the conversion of the dairy into a visitors centre, the specifications of the clearance, planting and landscaping of the Stanmore Country Park Extension land and specifications of the laying out of the public access ways within the Stanmore Country Park Extension land are acceptable and will comply with Government guidance contained within the NPPF, London Plan 2011 policies 6.9, 6.13, 7.4, 7.5, 7.6, 7.19 and 7.21, Core policy CS1 and CS7 of the Harrow Core Strategy 2012 and saved policies D4, T6, T13, C16, EP26, EP27 and EP31 of the Harrow Unitary Development Plan 2004. It is therefore recommended that clauses 5.1, 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.5 and 7.1 of the legal obligation attached to planning application reference P/2203/06/CFU are discharged.

INFORMATION

The application is reported to the Planning Committee at the request of the Divisional Director of Planning pursuant to proviso E of the Councils Scheme of Delegation

Statutory Return Type: E18

Council Interest: None

Site Description

- The application site is located within the Metropolitan Green Belt, the Harrow Weald Ridge Area of Special Character and an area designated as a Site of Importance for Nature Conservation (SINC). Part of the site also lies within the Little Common

Conservation Area

- Stanmore Country Park, a Local Nature Reserve, lies to the south, Pear Wood Ancient Woodland adjoins the eastern boundary and Cloisters Wood lies on part of the western boundary.
- A Schedule Ancient Monument known as Grim's Ditch lies to the south of the site
- There are two existing accesses into the site from Wood Lane
- Currently a number of agricultural buildings are located in the north eastern corner of the site and towards the central area
- The dairy which is not listed is located to the north west boundary of the site
- The land slopes down towards Stanmore Country Park to the south and comprises predominantly rough grassland to the south of the existing buildings
- There are a number of trees on the site, mainly in a belt to the north of the existing centrally located agricultural buildings, and on the boundary of the site
- A pond rich in wildlife lies to the north east of the site

Proposal Details

Planning permission for 'The demolition of the existing redundant farm buildings and the erection of 10 new dwellings and refurbishment of the existing dairy. Including new vehicular entrances, roadways and landscape works and change of use of residual land to Country Park/Open Space' was granted in 2009.

The approved application included the construction of 10 detached dwellings on 1.27 hectares of the site with the remaining 23.87 hectares to be transferred to the Council and laid out as a country park.

This application seeks consent to discharge a number of clauses within the second schedule of the s106 agreement attached to planning application P/2203/06/CFU.

The clauses this application seeks to discharge are as follows;

- 1) Specifications of a construction traffic routing plan
- 2) Specifications of an access road and car parking within the Stanmore Park Extension Land
- 3) Specifications of the pathways to be provided within the Stanmore Park Extension Land
- 4) Specifications of the conversion of the dairy to a visitors centre (which for the avoidance of doubt is subject to the necessary consents being obtained for such conversion)
- 5) Specifications of the clearance, planting and landscaping of the Stanmore Country Park extension land in accordance with the landscape master plan drawing
- 6) Specifications of the laying out of the public access ways within the Stanmore Country Park Extension Land as shown on the Landscape master plan drawing
- 7) The submission of an environmental, ecological and landscape management plan

Applicant Submission Documents

- Traffic Management and Environmental Protection Plan

Consultations

Local Highways Officer: No Objections

Landscape Architect: No Objections

Biodiversity Officer: No Objections

APPRAISAL

1) The Construction Traffic Routing Plan

The main elements of the construction traffic routing plan area as follows;

- All site traffic is to approach Wood Lane from either south/west approach Stanmore Hill (A4140) or north/east approach Brockley Hill (A5).
- There will be two entrances provided which vehicles can use. Once on site a one way traffic system is to be implemented.
- No vehicles are authorised to wait or park on Wood lane.
- The existing hard surfacing on the site will be utilised to located the temporary welfare and site offices.
- Part of the land will be used to park contractor and visitor vehicles – any green areas damaged during this will be completely restored at the end of the works
- Pedestrian footpaths on Wood Lane are to be maintained at all times. A rigid barrier will be provided between main pedestrian routes and vehicle routes
- Hours of work are 8:00 – 18:00 hours Monday – Friday and 08:00 – 13:00 hours on Saturday only
- A wheel wash facility for construction traffic will be provided on site

The requirement for the construction traffic plan was to ensure that the development would not put an undue pressure on the local highway network to the detriment of highway safety and to ensure that the large vehicles will not be detrimental to the local environment. Further to this it will also ensure that noise, disturbance and disruption attributed to vehicular movements during construction is kept to a minimal. The Local Highways Authority have raised no objections to the plan advising that it will not be to the detriment of highway safety. Further to this it is considered that the plan will sufficiently mitigate the impact of the construction traffic on surrounding residents and the local environment. The details of the construction traffic plan are considered to comply with Government guidance contained within the NPPF, policy 6.3 of The London Plan, core policy CS1 of the Harrow Core Strategy and policies D4 and D5 of the Harrow Unitary Development Plan it is recommended that the details are approved and clause 5.1 of the s106 agreement can be discharged.

2) Access road and car parking provision within the Stanmore Park Extension Land

The access road for the Stanmore Park Extension land is proposed to utilise the existing access from Wood Lane which lies adjacent to the existing dairy (which will form the visitors centre). A 5 bar traditional wooden gate is proposed to manage activity in and out of the site with sufficient space for vehicles to pull off the road in order to open the gate. A number of trees will need to be removed in order to ensure that the access is not to the detriment of highway safety.

The access road and visitor parking area are proposed to be finished in semi-permeable granite in order to runoff naturally to the field and existing ditch. The dairy is proposed to be surrounded by timber fencing although vehicular access will be possible via a turning head. A number of timber cycle stands are proposed as part of the development and a landscaped mound is proposed to the south east of the parking area to reduce its impact on the character and appearance of the rural park extension. The parking bays are not proposed to be delineated as the parking is proposed to be informal.

The Local Highways Authority considers the specifications of the access road and car

parking area satisfactory and not to the detriment of highway safety. Further to this it is considered that the level of parking proposed is acceptable given the improved pedestrian accessibility and cycle parking provision. The development will therefore comply with Core policy CS1 of the Harrow Core Strategy which states that 'Parking for new development will be managed to contribute to the delivery of a modal shift from the private car to more sustainable modes'.

In addition to this the materials proposed are considered sensitive to the rural character of the park and the landscaping proposed around the parking area is considered to successfully mitigate any potential detrimental impact on the character and appearance of the park. Further to this it is not considered that the loss of the trees to provide the access will be significantly harmful, given their low individual amenity value and the significant improvements in respect of access to the countryside for the public if the access details are approved, as to warrant refusal of the application.

In light of the above the proposed details of the access and car parking area are considered acceptable and the development will comply with Government guidance contained within the NPPF, policies 6.3, 6.9, 6.13, 7.4, 7.5 and 7.6 of the London Plan, core policy CS1 of the Harrow Core Strategy and saved policies T13, D4 and T6 of the Harrow Unitary Development Framework. It is recommended that clause 6.1.1 of the legal obligation is discharged.

3) Pathways to be provided within the Stanmore Park Extension Land

This requirement seeks specifications of a pathway which runs from both existing accesses on Wood lane to the proposed London viewpoint. The submitted documentation shows the path to form an all weather path which will extend to two metres in width and will be finished in grey granite surfacing. The specification of the path is considered acceptable to ensure that all users can access and use the proposed park extension and furthermore the granite finish will not be to the detriment of the rural character of the park. The Local Highways Authority has raised no objections to the specifications of the path. The proposed details will therefore comply with policy 6.10 of the London Plan which states that 'Development proposals should ensure high quality pedestrian environments'. Further to this the proposals will also comply with Government guidance contained within the NPPF, London Plan policies 7.4, 7.5 and 7.6, core policy CS1 of Harrow's Core Strategy and saved policies D4 and C16 of the Harrow Unitary Development Plan. It is recommended that clause 6.1.2 of the legal obligation is discharged.

4) Conversion of the Dairy Building

The plans submitted with regard to the conversion of the former dairy building show minimal changes to the external elements of the building other than repairs and maintenance. Internally there will also be minimal changes with a built in bench, concrete base, sink and fire unit being removed. The building is considered to be of significant merit and its refurbishment and retention is considered to make a positive contribution to the character of the area. A level access to the front entrance doorway is also proposed to be provided to ensure that the building is accessible. The building will also comprise the installation of raised tiles as part of the roof repair works which will provide improved and secure access for bats to the roof void. It is therefore considered that the proposal will comply with Government guidance contained within the NPPF, London Plan policies 7.4 and 7.6, core policy CS1 of Harrow's Core Strategy and saved policy D4 of the Harrow Unitary Development Plan. It is recommended that clause 6.1.3 of the legal obligation is discharged.

5) Clearance, Planting and Landscaping of the Stanmore Country Park Extension

The landscaping scheme follows the principles of the approved landscape masterplan.

The main elements of the proposed scheme are as follows;

- The majority of the existing shrub and vegetation is to remain as existing in order to protect the existing ecosystem and biodiversity on the site
- Where existing agricultural buildings are to be removed a grass seed mix is to be planted
- Areas with Japanese Knotweed and areas with poor ground conditions shall be fenced off
- A raised all weather accessible London viewpoint will be created which will be finished in granite dust with a number of public benches
- A number of observational hides are to be provided throughout the site. These will consist of a 1.8 metre high continuous woven hazel screen. The length of the screen will vary from 5-10 metres in length
- Kissing gates will be provided at the Southern Access points
- A HaHa is to be provided on the southern boundary with the residential development and this will link into the existing pond expanding the wetland habitat
- Provision of two hibernacula for snakes
- Provision of 4 barn owl boxes on the southern boundary and Pear Wood boundary
- The relocation of the pet cemetery adjacent to the dairy building
- Provision of 24 bat boxes on existing mature trees

A number of trees are proposed to be removed as part of the redevelopment. These are to facilitate the visitor's access into the site and to open up views at the top of the site by removing poorer quality trees. Removing these trees will result in a 'trees in grass' habitat which will be both aesthetically pleasing and provide a habitat for wildlife. There are therefore no objections raised to the loss of the trees.

It is considered that the proposed layout will enhance biodiversity on site through the hibernacula, barn owl and bat boxes and planting and furthermore the eradication of the Japanese Knotweed will be a positive enhancement for the area. Full details of the process for the eradication of Japanese Knotweed on the site will need to be agreed as part of the Environmental, Ecological and Landscape management plan for the Country Park. The HaHa will allow the expansion of the wetland habitat which will encourage further diversity of wildlife and biodiversity. The proposals will therefore comply with Core Policy CS1 of the Harrow Core Strategy which states that 'Where appropriate development should also seek to promote and enhance biodiversity'.

The infrastructure proposed for public access is considered to be acceptable with numerous paths and a view point which will be accessible to all. The proposals will also give the opportunity for improved access to nature and wildlife through the development of observational hides throughout the site.

It is considered that the clearance, planting and layout of the Country Park extension as identified within the plans will ensure that the public is able to engage in the park whilst ensuring that habitats and the uncultivated character of this section of the park is retained. The proposals are therefore considered to comply with Government guidance contained within the NPPF, policies 7.4, 7.5, 7.19 and 7.21 of The London Plan, Core policy CS1 of the Harrow Core Strategy and saved policies EP26, EP27 and EP31 of the Harrow Unitary Development Plan. It is recommended that clause 6.1.4 of the legal obligation is

discharged.

The management plan for the park extension still requires significant consideration and this will be assessed through the environmental, ecological and landscape management plan.

6) Public Access Ways within the Stanmore Country Park Extension

The public access ways proposed throughout the park are to be mown pathways with no formal hardsurfacing. This is to protect the ecology on the site and to prevent too much hardsurfacing which would be to the detriment of the natural rural character of this section of the park.

The s106 agreement states that specifications of the laying out of the public access ways within the park extension as shown on the landscape masterplan shall be submitted to the Council and approved in writing prior to the commence of development. The submitted drawings do not show the public access ways in the exact position as shown on the masterplan as the pathways have evolved on the basis of further ecological studies and identified constraints. It is acknowledged that a link to Cannons View is no longer provided as an access way and this is due to the fact that the proposed access would go through an area of land which needs to be treated for Japanese Knotweed. Further to this an access way through to Pear Wood is not considered desirable given the possible implications on the diverse biodiversity within Pear Wood. In not providing an access this will not impede on the ability of the general public to visit the wood. The access way which indicated in close proximity to the pond to the north of the site on the landscape masterplan is also proposed to be removed given the levels of biodiversity and protected species in this area and the possible implications intensive activity may have on these species.

It is considered that the pathways shown will provide adequate access for the public within the park extension and that the informal nature of the access ways will ensure the wildlife and ecology on the site is protected. The proposal is therefore considered to comply with Government guidance contained within the NPPF, London Plan policies 7.4, 7.5, 7.6, 7.19 and 7.21, core policy CS1 of Harrow's Core Strategy and saved policies D4, EP26, EP27, EP31 and C16 of the Harrow Unitary Development Plan. It is recommended that clause 6.1.5 of the legal obligation is discharged.

7) Environmental, Ecological and Landscape Management Plan

An Environmental, Ecological and Landscape management plan for the Country Park Extension has been submitted to the Council. The exact details of this management plan will need to be approved by the Local Planning Authority prior to the occupation of any of the dwellings approved under planning permission reference P/2203/06. It is therefore recommended that clause 7.1 of the legal obligation is discharged.

CONCLUSION

It is considered that the submitted construction traffic routing plan, the specifications of the visitors access road and car parking area, specifications of the all weather path which provides access from Wood Lane, specifications of the conversion of the dairy into a visitors centre, the specifications of the clearance, planting and landscaping of the Stanmore Country Park Extension land and specifications of the laying out of the public access ways within the Stanmore Country Park Extension land are acceptable and will comply with Government guidance contained within the NPPF, London Plan 2011 policies 6.9, 6.13, 7.4, 7.5, 7.6, 7.19 and 7.21, Core policy CS1 and CS7 of the Harrow Core

Strategy 2012 and saved policies D4, T6, T13, C16, EP26, EP27 and EP31 of the Harrow Unitary Development Plan 2004. It is therefore recommended that clauses 5.1, 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.5 and 7.1 of the legal obligation attached to planning application reference P/2203/06/CFU are discharged.

INFORMATIVE

1 REASON FOR APPROVAL

The decision to grant approval of the details pursuant to the planning obligation attached to planning reference P/2203/06/CFU and the subsequent discharge of clauses 5.1, 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.5 and 7.1 of the planning obligation has been taken having regard to National Planning Policy, the policies of The London Plan 2011, policies in the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation.

The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011):

- 6.9 - Cycling
- 6.13 - Parking
- 7.4 – Local Character
- 7.5 - Public Realm
- 7.6 – Architecture
- 7.19 – Biodiversity and access to nature
- 7.21 – Trees and Woodlands

The Harrow Core Strategy (2012)

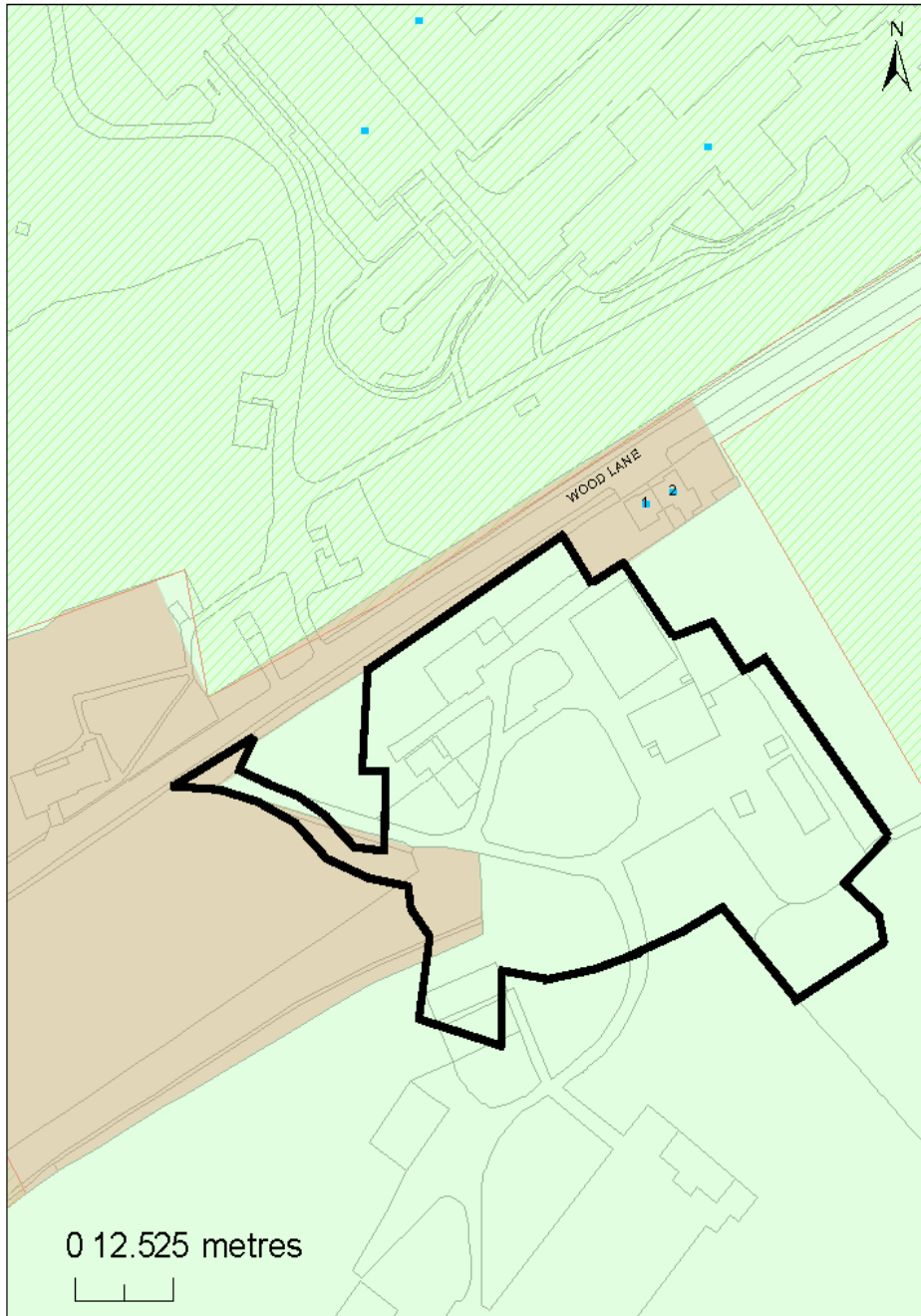
- Core Policy CS1 – Overarching Policy
- Core Policy CS7 – Stanmore & Harrow Weald

Saved Policies of the London Borough of Harrow Unitary Development Plan (2004):

- D4 – The Standard of Design and Layout
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- C16 – Access to Buildings and Public Spaces
- EP26 – Habitat Creation and Enhancement
- EP27 – Species Protection
- EP31 – Areas of Special Character

Plan Nos: To be confirmed

WOOD FARM, WOOD LANE, STANMORE



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Item No. 1/07
Address: WOOD FARM, WOOD LANE, STANMORE
Reference: P/1982/12
Description: Details pursuant to condition 12 (mitigation strategies) attached to planning permission P/2203/06/CFU
Ward: Stanmore Park
Applicant: Mr Gaurang Velani
Agent: Kenneth W Reed & Associates
Case Officer: ABIGAIL HEARD
Expiry Date: 10/09/12

RECOMMENDATION

APPROVE the details submitted and discharge planning condition 12 attached to planning permission P/2203/06/CFU.

REASON

It is considered that the submitted mitigation strategies for bats, grass snakes, barn owls and other birds are acceptable and will comply with Government guidance contained within the NPPF, London Plan 2011 policy 7.19, Core policy CS1 of the Harrow Core Strategy 2012 and saved policies EP26 and EP27 of the Harrow Unitary Development Plan 2004.

INFORMATION

The application is reported to the Planning Committee at the request of the Divisional Director of Planning pursuant to proviso E of the Councils Scheme of Delegation.

Statutory Return Type: E18

Council Interest: None

Site Description

- The application site is located within the Metropolitan Green Belt, the Harrow Weald Ridge Area of Special Character and an area designated as a Site of Importance for Nature Conservation (SINC). Part of the site also lies within the Little Common Conservation Area
- Stanmore Country Park, a Local Nature Reserve, lies to the south, Pear Wood Ancient Woodland adjoins the eastern boundary and Cloisters Wood lies on part of the western boundary.
- A Schedule Ancient Monument known as Grim's Ditch lies to the south of the site
- There are two existing accesses into the site from Wood Lane
- Currently a number of agricultural buildings are located in the north eastern corner of

the site and towards the central area

- The dairy which is not listed is located to the north west boundary of the site
- The land slopes down towards Stanmore Country Park to the south and comprises predominantly rough grassland to the south of the existing buildings
- There are a number of trees on the site, mainly in a belt to the north of the existing centrally located agricultural buildings, and on the boundary of the site
- A pond rich in wildlife lies to the north east of the site

Proposal Details

Planning permission for 'The demolition of the existing redundant farm buildings and the erection of 10 new dwellings and refurbishment of the existing dairy. Including new vehicular entrances, roadways and landscape works and change of use of residual land to Country Park/Open Space' was granted in 2009.

The approved application included the construction of 10 detached dwellings on 1.27 hectares of the site with the remaining 23.87 hectares to be transferred to the Council and laid out as a country park.

This application seeks permission to discharge condition 12 of planning application reference number P/2206/06/CFU. Condition 12 is as follows;

No residential development shall take place until mitigation strategies for bats, grass snakes, barn owls and other birds have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out as approved. The bat mitigation strategy shall include a plan showing each tree on the site that offers bat protection, all of which shall be retained

Applicant Submission Documents

- Updated Phase 1 Habitat Surveys
- Barn Owl & Nesting Birds Mitigation Strategy (URS Scott Wilson, 2010)
- Nocturnal Bat Roost Survey 2012 and Bat Mitigation Strategy (LUC 2012)
- Grass Snake Mitigation Strategy (URS Scott Wilson, 2010)

Consultations

Harrow Council Landscape Architect: No Objections

Harrow Council Biodiversity Officer: No Objections

APPRAISAL

1) Bat Mitigation Strategy

Evidence of roosting bats was found in historical bat surveys carried out between 2008 and 2010. On the basis of this a nocturnal survey was carried out in June 2012 to ascertain the current status of bats and their roosts at Wood Farm. This survey made the following conclusions;

- Bat Roosts are evident in agricultural buildings G and O which are to be replaced by the housing element of the scheme
- Potential for bat roosts is also identified in buildings B,D,H and Q but no roots confirmed
- 18 Trees have bat roost potential
- Single tree (tree 11) with confirmed bat roost which must be retained and protected in

accordance with condition 12 of P/2203/06/CFU. This tree is also subject to legal protection.

Proposed mitigation measures and enhancements;

- Pre-demolition inspections and toolbox talks (Ecological advice for contractors)
- Natural England licence to include demolition of Building G and O under supervision, with exclusion of bat roosts outside of winter months
- Buildings with potential for bat roosts will be subject to demolition (D,H and Q) or works (Building B) under supervision and outside of winter months
- Unit 1 is in close proximity to tree 11 which has a confirmed bat roost. It is considered that there was potential for disturbance to the bat roost in tree 11 as a result of light spill from unit 1. The unit is therefore proposed to be amended to remove the first floor window and dormer from the east elevation and to erect a veranda to shield the ground floor window. This amendment has been submitted to the Local Planning Authority to be assessed as a non-material minor amendment.
- Only a single tree with bat roost potential is to be felled following a soft-felling approach
- Trees 8, 9 and 11 will be protected during construction through the use of tree protection fencing in accordance with BS 5827 2005 'Trees in relation to construction'
- A sensitive lighting scheme is to be provided
- 15 bat boxes are to be provided in trees to the north of the site, including along the tree belt south of the proposed visitor centre and the woodland edge near to the proposed visitors car park
- 9 bat boxes are proposed to be provided within Pear Wood
- 4 bat tubes are proposed in the housing development, 2 tubes on the south facing wall of unit 10 and 2 tubes on the south facing elevation of unit 6
- Roof void access tiles are to be installed in the roof of the dairy building as part of the conversion

It is considered that the methodology for the surveys carried out is adequately sound to assess the existing bat population inhabiting and visiting the site. As part of the mitigation strategy a free standing bat roost was proposed to be erected on the site. There was concerns raised with regard to the bat roost given the potential for vandalism (the bat roost would need to be located within the park extension not the residential area as such it would not be overlooked). subsequently it has now been removed from the mitigation scheme. There will clearly be an impact on the existing bat roost in tree 11, it is considered however the revised design of the dwelling to protect the roost from light spill and the tree protection methods during construction will ensure that the impact is minimal and that the tree can be continued to be used as a bat roost.

The loss of the existing buildings and tree 10 will result in the loss of potential bat habitats. However, the additional bat boxes, bat tubes and roof void accesses in the visitors centre is considered to adequately mitigate this loss and will ensure that the bats are still able to thrive within this area.

It is therefore considered that the application will comply with Government guidance contained within the NPPF, policy 7.19 of the London Plan, policy CS1 of the Harrow Core Strategy and saved policies EP26 and EP27 of the Harrow Unitary Development Plan which seek to ensure that development proposals are not to the detriment of protected species and make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Whilst the Local Planning Authority consider that the details submitted with regard to the mitigation strategy area are acceptable, in order to remove buildings O and G which contain bat roosts and for the construction works for unit 1 which may disturb the bat roost in tree 11, a European Protected Species Licence will need to be obtained from Natural England.

2) Grass Snake Mitigation Strategy

A reptile survey was undertaken in 2007 and updated in 2010. The survey was carried out in accordance with best practice guidance during August on dry days with suitable weather conditions (temp between 9-18 degrees), 7 visits were carried out. The conclusions of the survey are as follows;

- A small population of grass snakes were recorded in 2007 (2 sightings; both presumed to be the same individual) and a medium population in 2010 (7 sightings; peak sighting of 3)
- There is a grass snake population ranging through the site and adjacent habitats, with the pond and the associated grassland areas in the north of the site providing a focus

Along the southern boundary of the construction zone (to the north of the pond) is a large area of grass, scrub and ruderal habitat which forms a good reptile habitat. In order to compensate for the loss of this area and increase the likelihood that grass snakes will not re-enter the construction zone after they have been safely removed the following mitigation measures are proposed;

- A controlled clearance methodology is proposed to be adopted with the aim of 'herding' any reptiles present out of the construction zone
- The building of a Hibernacula – A hibernacula provides a refuge and hibernation area for reptiles, small mammals and amphibians. The hibernacula consists of a large pile of branches/bricks being covered or backfilled with soil to form a mound or filled trench
- Scrub and ruderal vegetation clearance – currently the park consists of large areas of dense bramble and ruderal vegetation with small pockets of rough grassland. Reptiles prefer rough grassland interspersed with pockets of scrub as such it is proposed that ruderal vegetation is cleared and large sections of bramble scrub should be cut back to allow a larger area of rough grassland.
- Reptile exclusion fencing is proposed to be installed separating the northern and western sides of the pond from the construction zone
- Monitoring of the reptile population will take place for 2 years post construction

The methodology used to assess the reptiles on site is considered appropriate to accurately assess the current reptile population on site. There will clearly be an impact on the habitat of the grass snake population given that the grassland area to the north of the pond will be lost. However, it is considered that the reptile exclusion fencing and controlled clearance of the construction site will ensure any harm to the reptile population during the construction period is minimal. Further to this the proposed hibernacula and the removal of scrub and vegetation and planting of grassland is considered to mitigate for the loss of habitat by virtue of the development.

It is therefore considered that the application will comply with Government guidance contained within the NPPF, policy 7.19 of the London Plan, policy CS1 of the Harrow Core Strategy and saved policies EP26 and EP27 of the Harrow Unitary Development Plan which seek to ensure that development proposals are not to the detriment of protected species and make a positive contribution to the protection, enhancement, creation and

management of biodiversity.

3) Barn Owl & Nesting Birds Mitigation Strategy

A number of surveys have been carried out on the site which have informed the proposed mitigation strategy these are as follows;

- A breeding bird survey and other ecological surveys were carried out in 2007 which identified 13 breeding bird species on the site and indicated winter roosting of barn owls in outbuildings.
- A barn owl survey in 2009 found signs of sporadic use of the buildings by barn owls although no evidence of barn owl occupancy was recorded during the survey and no barn owls were seen flying during the combined bat surveys. It was therefore concluded that, while barn owls did use the site, they were more likely to be roosting in trees within Pear Wood and Stanmore Country Park, although it is possible they may roost in the buildings in winter
- The bat survey in 2012 did not identify an evidence of barn owls roosting in the buildings

Proposed Mitigation Measures

- The site will be re-surveyed for barn owls at least 30 days before the development commences
- 4 barn owl boxes are to be provided on mature trees on the Pear Wood boundary and southern boundary of the site at least 30 days before commencement of development
- Scrub and ruderal vegetation clearance – currently the park consists of large areas of dense bramble and ruderal vegetation with small pockets of rough grassland. The removal of scrub and vegetation will create larger areas of rough grassland able to support greater numbers of reptiles and small mammals, which in turn would represent a greater foraging resource to barn owls.
- All scrub clearance/tree felling to be consider potential nesting birds and should an active nest be discovered it should be left in situ until the chicks have fledged.
- All buildings to be demolished shall be checked by a qualified ecologist for signs of barn owls immediately before demolition
- Monitoring of the barn owl boxes for a period of two year post construction

It is considered that the methodology for the surveys carried out was adequately sound to assess the existing barn owl and breeding bird population inhabiting and visiting the site. The 4 barn owl boxes were originally proposed to be located to the southern boundary of the site to comply with current best practice guidance which states that new nest sites should be positioned over 1km from the motorway. It was considered, however, the boxes would be more likely to be used if split over Pear Wood and the southern boundary of the site subsequently the details were amended accordingly. It is also important to recognise that the barn owl boxes are proposed to mitigate the loss of the agricultural buildings and the southern edge of the site is a significant distance from these buildings and as such would not adequately mitigate their loss.

The proposed development will result in the loss of a number of agricultural buildings which have a low chance of being used as a potential resource for barn owls and a number of trees and shrub which have the potential to be used by common nesting birds. It is considered that re-surveying the buildings for barn owls immediately prior to demolition and checking any vegetation prior to clearance for active birds nest will adequately ensure that breeding birds and barn owls will not be hurt during construction. Further to this it is considered that the barn owl boxes and the removal of scrub and

vegetation and planting of grassland to create larger areas of rough grassland able to support greater numbers of reptiles and small mammals which would represent a greater foraging resource to barn owls is considered to adequately mitigate the potential loss of habitat by virtue of this development.

It is therefore considered that the application will comply with Government guidance contained within the NPPF, policy 7.19 of the London Plan, policy CS1 of the Harrow Core Strategy and saved policies EP26 and EP27 of the Harrow Unitary Development Plan.

CONCLUSION

It is considered that the submitted mitigation strategies for bats, grass snakes, barn owls and other birds are acceptable and will comply with Government guidance contained within the NPPF, London Plan 2011 policy 7.19, Core policy CS1 of the Harrow Core Strategy 2012 and saved policies EP26 and EP27 of the Harrow Unitary Development Plan 2004. It is therefore recommended that condition 12 of planning application P/2203/06 is discharged

INFORMATIVE

1 REASON FOR APPROVAL

It is considered that the submitted mitigation strategies for bats, grass snakes, barn owls and other birds are acceptable. The decision to grant approval of the details pursuant to planning condition 12 has been taken having regard to National Planning Policy, the policies of The London Plan 2011, policies in the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation.

The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011):

7.19 – Biodiversity and access to nature

The Harrow Core Strategy (2012)

Core Policy CS1 – Overarching Policy

Saved Policies of the London Borough of Harrow Unitary Development Plan (2004):

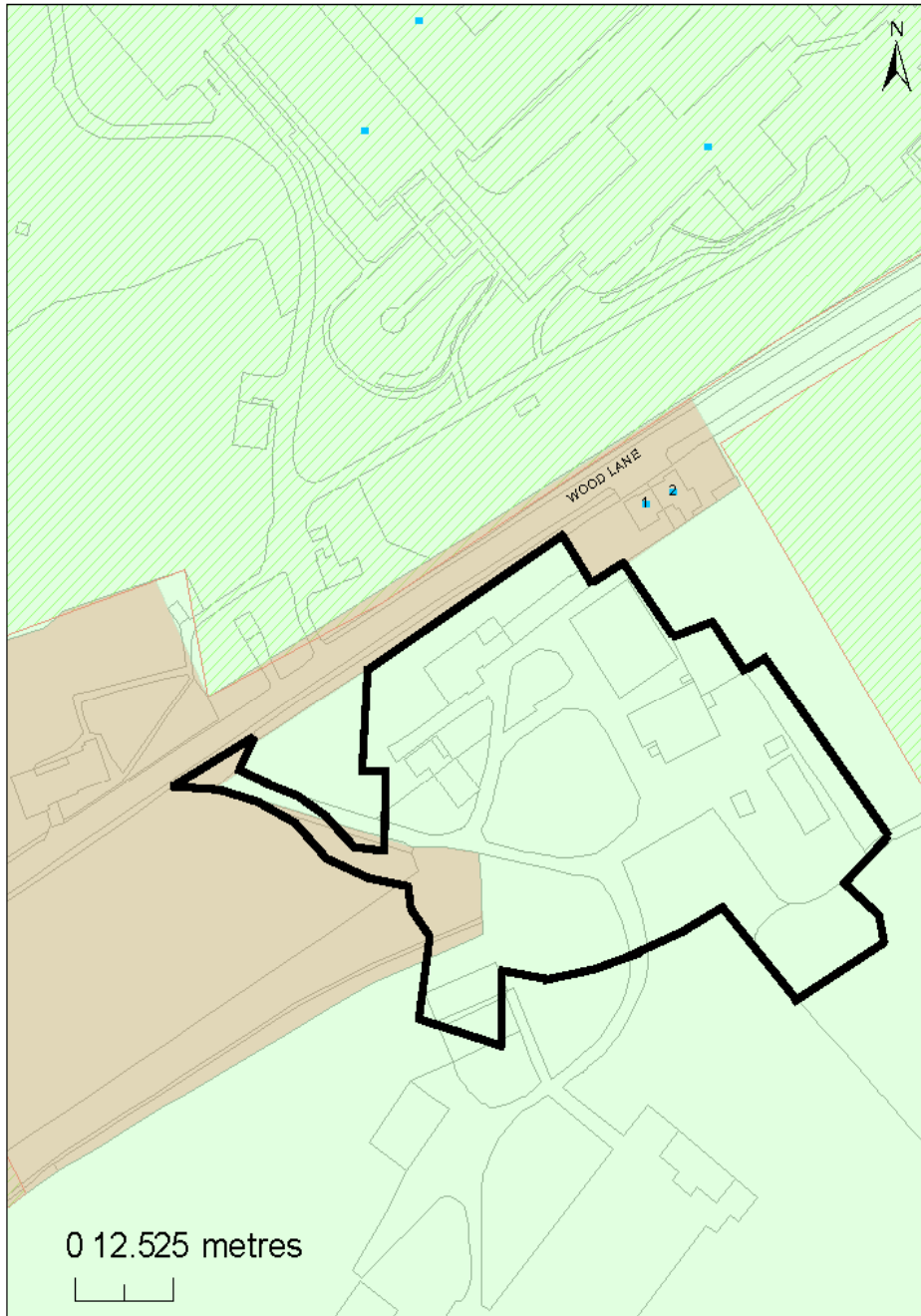
EP26 – Habitat Creation and Enhancement

EP27 – Species Protection

EP31 – Areas of Special Character

Plan Nos: To be confirmed

WOOD FARM, WOOD LANE, STANMORE



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SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01

Address: 160 STATION ROAD, HARROW

Reference: P/0463/12

Description CHANGE OF USE FROM SHOP (CLASS A1) TO MIXED USE AS A RESTAURANT AND HOT FOOD TAKE-AWAY (CLASSES A3/A5) WITH ASSOCIATED STORAGE/COOKING AREA IN REAR OUTBUILDING; EXTERNAL ALTERATIONS AND PROVISION OF EXTRACT FLUE TO REAR OUTBUILDING (PART RETROSPECTIVE APPLICATION)

Ward GREENHILL

Applicant: MR S. MUGHADAM

Agent: ARCHPLAN

Case Officer: TOM FORKAN

Expiry Date: 19 JUNE 2012

RECOMMENDATION

GRANT planning permission for the development described in the application and submitted plans for the following reason, subject to conditions:

REASON

The change of use would secure a viable employment and wealth generating use in this location. In addition, the proposed change of use would contribute to an appropriate mix of uses within the centre which would complement and support the retail function of the centre whilst having a positive impact upon the vibrancy of the town centre and contributing positively towards the late evening and night time economy. For these reasons, the development would accord with the strategic objectives of the development plan, and a departure from saved policy EM17 of the UDP of the development plan is therefore justified in this instance.

The change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

INFORMATION:

This application is being reported to committee as the proposal constitutes a material departure from the development plan and is therefore excluded by provision D from the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: Change of Use

Council Interest: None

Gross Proposed Internal Floorspace: 98sqm

Net Additional Floorspace: 38sqm (wholly within rear outbuilding for ancillary cooking/storage)

GLA Community Infrastructure (CIL) Contribution: Not applicable

Site Description

- The application site relates to a commercial unit within a parade on the eastern side of Station Road, between the junctions with Elmgrove Road and Bonnersfield Lane.
- The premises and parade form part of the secondary shopping frontage of the Harrow Metropolitan Centre.
- The lawful use of the premises is Class A1, and they were formerly in use as a hairdressers until some point between June 2010 and June 2011, when they became vacant.
- The premises were occupied by the applicant in January 2012 and a change of use to a Class A3 café / restaurant subsequently occurred.
- The shopping parade comprises a mix of retail and food and drink uses at street level.
- There is a small yard and single storey outbuilding at the rear of the premises.
- The upper floors of the building are in residential use.

Proposal Details

- It is proposed to change the use of the unit from retail (Class A1) to mixed use as a restaurant and hot food take-away (Classes A3/A5), trading as 'Ice Fire'.
- It is understood that the cooking of hot food on the premises is not currently occurring, with the restaurant providing a range of cold and re-heated foods, teas, coffees and other drinks. The restaurant provides around 25 covers.
- It is proposed that the cooking would take place within the rear outbuilding, facilitated by the installation of a ventilation extract flue installed on the roof of the outbuilding which would discharge onto the rear access/service road behind the parade.

Relevant History

P/1419/12 – Display of an internally illuminated projecting sign and an internally illuminated fascia sign. Granted 01/08/2011 (not implemented to date).

P/1421/12 – New shopfront. Refused 01/08/2011

Reason for Refusal:

The proposed shopfront, by reason of its poor design, fails to demonstrate that the development would be fully accessible or inclusive, thereby marginalising those users with mobility impairments, to the detriment of the amenity these users, contrary to policy 7.2 of The London Plan 2011, saved policies D4 and C17 of the Harrow Unitary Development Plan 2004 and Supplementary Planning Document – Access For All 2006.

P/2263/11 – New shopfront. Granted 25/10/2011 (not implemented to date).

Applicant Submission Documents

- Design and Access Statement

Consultations

Site Noticed Erected: Departure from Development Plan

Expiry: 24 August 2012

Notifications

Sent: 45

Replies: 0

Expiry: 23 August 2012

Neighbours Consulted:

Robert House, Sovereign Place, Harrow – Nos. 1-20

Station Road, Harrow – Nos. 156, 156A, 158, 158A, 160A, 162, 164, 164A, 166, 166A, 209, 209A, 209B, 209C, 211, 211A, 211B, 213, 213A, 213B, 213C, Advertising Right Id 3080

Fairholme Road, Harrow – Street Record

Summary of Responses:

- None

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

MAIN CONSIDERATIONS

- 1) Principle of Development and Land Use
- 2) Character and Appearance of the Area
- 3) Amenity
- 4) Traffic, Safety and Parking
- 5) Accessibility
- 6) S17 Crime & Disorder Act
- 7) Consultation Responses

1) Principle of Development and Land Use

The National Planning Policy Framework [NPPF] sets out a strategy to provide for sustainable development and considers that ensuring the vitality of town centres is a key tenet in securing sustainable development. Town centres should be recognised as the heart of communities and policies should be pursued which ensure their viability and vitality, thereby ensuring competitiveness and customer choice.

Policy CS1.L of the Harrow Core Strategy recognises that Harrow town centre should be promoted as a focus for community life, providing residents with convenient access to a range of shops, services and cultural and leisure facilities.

Saved policy EM17 of the Harrow Unitary Development Plan 2004 sets out a criteria-based approach for the change of use of shops within secondary shopping frontages, and states that

In the secondary shopping frontages of Harrow Metropolitan Centre and of the District Centres, the change of use of retail shops (Class A1) to non-retail uses will normally be permitted provided that:-

- A) the use is appropriate to a town centre;
- B) the use is primarily for visiting members of the public;
- C) the use requires an accessible location;
- D) the length of the secondary frontage in non-retail use at street level in the centre (including any outstanding permissions) would not exceed 50% of the total;
- E) the premises can be adequately serviced without causing harm to highway safety and convenience;
- F) a window display or other frontage appropriate to the shopping area is maintained; and
- G) a harmful concentration of non-retail uses is not created or added to.

In instances where the long-term vacancy rate of the secondary frontage of the centre exceeds 10%, the Council will normally allow any town centre use, subject to criteria d) – g) above.

The supplementary text to this policy (paras 7.66 – 7.70) explains that secondary shopping frontages provide suitable locations for a variety of retail and non-retail uses appropriate to shopping centres. They are especially suited to uses that require a central location, but are not associated with shopping trips and do not generate high levels of pedestrian activity (e.g. Class A2, A3 and many D Class leisure and community uses). Notwithstanding the suitability of secondary shopping frontages for these types of uses, the Council considers it important to retain retail character in these areas for the benefit of the overall shopping function of the Centre, and therefore seeks to avoid any harmful concentration of non-retail uses that may adversely affect the retail character of a centre or undermine the contribution of any particular frontage to the centre as a whole. The form of concentration may vary according to circumstances.

Saved policy EM24 of the Harrow Unitary Development Plan 2004 seeks to improve the environment of town centres.

In this instance, the proposed change of use of the retail unit to a café / restaurant and hot food take-away would represent a use that is directly related to shopping trips and would support the retail function of the centre. Cafes / restaurants provide an important function within town centres in ensuring that footfall generated by the primary retail function of the centre is retained within the town centre, and consumers and shoppers do not have to leave the centre during the course of the shopping trip, thereby retaining

economic activity in the centre. Cafes / restaurants can also positively enhance the vibrancy of town centres. The use of the premises for café / restaurant use would maintain an active frontage to the unit, benefitting the wider parade. The unit can be serviced from the rear access/service road behind the parade and the development would not adversely affect highway safety or convenience (see Section 4 below). It is therefore considered that the development would accord with criteria a, b, c, e and f of saved policy EM17 of the Harrow Unitary Development Plan 2004.

The Council's latest shop frontage data (June 2012) shows that the percentage of secondary frontage in non-retail use in Harrow town centre is 49.44%. The proposed change of use would increase the percentage of secondary frontage in non-retail use to 50.10%, which would very marginally exceed the 50% threshold set out in saved policy EM16 of the UDP, and therefore represent a departure from the development plan.

A more detailed examination of the Council's shop frontage data shows that for the past five years, the proportion of Class A3 and A5 uses within the secondary frontage has remained relatively stable, at around 18.5% for A3 and 3% for A5. At the same time, the overall vacancy rate within the secondary frontage has increased year-on-year, from 8.90% in the year to June 2008, to 11.37% in the year to June 2012. This data indicates that there has not been a dramatic increase in the presence of these food and drink uses within the secondary frontage, and that they make a minor but not insignificant contribution to the mix of uses and consequent vitality and viability of the town centre, particularly in the context of the difficult economic climate and an increasing overall vacancy rate which is concentrated on Class A1 units.

In terms of compliance with criterion (g) of policy EM17, which seeks to prevent a harmful concentration of non-retail uses, the three units immediately north of the application site are a vacant A2 use, an A1 hairdressers and an A1 dry cleaners, whilst the three units to the immediate south are a D1 education use (children's language tuition) and the Bharti Vyas beauty centre (A1/D1). None of these units are a food and drink use, and 50% of them include a proportion of A1 retail. Whilst it is acknowledged that there are other A3 units within this parade, it is nevertheless considered that given the current site circumstances the proposal would not result in a harmful concentration of non-retail uses that would demonstrably adversely affect the health of the centre.

With regard to the overall mix of uses within the centre, it is also worth noting the permitted development rights set out within the General Permitted Development Order 1995 (as amended) which allow a change from Class A2, A3, A4 and A5 uses to A1 retail use without the need for express planning permission; thereby providing a further means by which the make-up of centres can flexibly change over time, in addition to changes of use which come under the control of the Local Planning Authority and become subject to compliance with the development plan.

As outlined above, the proposed change of use (from a previously vacant unit) would take the non-retail frontage very marginally over the 50% threshold, but the Council's own evidence suggests that retail operators are struggling within the centre and that Class A3 and A5 uses are proving more resilient in the current economic climate, whilst at the same time complementing rather than hindering the retail function of the centre. In the circumstances, it is considered that the marginal policy infringement is outweighed by the benefit of having an occupied unit providing an appropriate town centre use which contributes to the centre's vitality and viability, as well as increasing the competitiveness of the late evening and night time economy. The proposed change of use would meet

the strategic objectives of the NPPF and the development plan in providing a healthy, dynamic, vibrant and competitive town centre which caters for local communities. A departure from the development plan, in light of other material considerations, can therefore be justified on this basis.

2) Character and Appearance of the Area

The only external alterations sought as part of the current application relate to the rear outbuilding. Other recent alterations have been undertaken relating to the shopfront and signage, but the applicant has not explicitly sought planning permission for these within the current application and they will be subject to separate applications.

The proposed material alterations include the insertion of a set of doors within the rear wall of the outbuilding, for delivery purposes, adjacent to the rear service road. The doors would be 2.1m in width and 2.0m in height. Given their modest size and discreet location, facing the rear service road and subject to minimal public and private views, the proposed doors are considered acceptable and would not harm the character or appearance of the building or the surrounding area.

The proposed ventilation extract flue would be fixed to the inward-facing front wall of the outbuilding and its roof, discharging over the roof and rear service road, away from the residential units in the upper floors of the parade. The flue would be approximately 4.4m in length and 0.5m in height above the roof level. Given its modest size and position on the roof of the outbuilding it would be subject to minimal oblique public views from the adjacent service road. Whilst it would be visible from the upper floors of surrounding properties, given the commercial context of this parade and the presence of a great variety of other flues, air-conditioning and plant in similar locations in the immediate vicinity, it is not considered that the flue would harm the character or appearance of the building or the surrounding area.

The proposed external alterations would therefore accord with policy 7.4.B of The London Plan, policy CS1.B of the Harrow Core Strategy 2012 and saved policy D4 of the Harrow Unitary Development Plan 2004.

3) Amenity

As outlined above, the proposed flue would discharge away from the nearest residential properties in the upper floors of Station Road, at a minimum distance of around 10m.

The Council's Environmental Health Department has considered the proposal, including a detailed specification of the proposed cooking facilities and extract flue within the Design & Access Statement, and has not raised any objection to the development, subject to compliance with conditions relating to plant noise levels and delivery hours.

The proposed opening hours are 07:00 – 23:00 Mondays to Saturdays, and 10:00 – 23:00 Sundays and Bank Holidays. Such hours are considered reasonable within the context of the locality, and would be unlikely to give rise to any material harm to neighbouring amenity, and a condition is recommended to ensure the use does not operate outside these hours.

Given the above, it is considered that the proposed change of use would not adversely affect the amenity of the occupiers of neighbouring properties, thereby according with policy 7.15.B of the London Plan 2011 and saved policies EP25, EM24 and EM25 of the Harrow Unitary Development Plan 2004.

4) Highway Safety, Servicing and Convenience

The Highway Authority has commented on the application and has not raised any objections. The proposed change of use of the property would not have any significant impact on the transport use profile of the centre and it is considered that the development would not therefore have any adverse impacts on highway safety or convenience. The premises would only be serviced via the rear service road, not from the public highway.

5) Accessibility

Section 174 of the Equalities Act 2010 requires public authorities, in the exercise of its functions to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. In light of the Equalities Act 2010 and the Act which it has superseded, the Disability Discrimination Act 1995, planning bodies, from the Department of Communities and Local Government down to local planning authorities have adopted policies which require development to provide for the highest standards of inclusive design and ensure that development does not prejudice the rights of any person under Section 174 of the Equalities Act 2010.

In respect of the proposed change of use, policy 7.2.C of the London Plan 2011 requires all future development to meet the highest standards of accessibility and inclusion. Saved UDP policies D4 and C17 similarly require development to meet the highest standards of layout and design, with particular reference to disability discrimination legislation. The current application only deals with the principle of the change of use, not any physical alterations to the shopfront which could affect access. The issue of accessibility is therefore of limited relevance to the current application. Notwithstanding this, it is worth noting that the applicant would also be subject to the requirements of Part M of the 2010 Building Regulations, which requires developers to make all reasonable efforts to provide areas that are accessible for all persons.

6) S17 Crime & Disorder Act 1998

Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the proposed change of use would not adversely affect crime or safety in the area.

7) Consultation responses

None

CONCLUSION

Adopted development plan policies require a balance to be struck between the mix of uses in town centres to ensure the continued vitality and vibrancy of these areas. The proposed change of use seeks to exceed the adopted policy threshold for non-retail uses in secondary shopping frontages.

In this instance, given the existing circumstances, whereby the viability of the retail function of the secondary frontages is diminishing and the proposed change of use would be likely to secure an economic activity which would retain and increase the vibrancy and vitality of the centre, the proposed change of use of the unit is considered to be appropriate. The proposed use would support the attractiveness of the retail offer of the town centre and secure the strategic policy objectives of the development plan. On this basis, a departure from saved policy EM17 of the development plan is considered appropriate in this instance.

The proposed change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

For these reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant.

CONDITIONS:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall only be open to customers within the following hours:

0700 and 2300hrs on Mondays to Saturdays;

1000 and 2300hrs on Sundays and Bank Holidays

REASON: To safeguard the neighbouring occupiers from undue levels of noise and disturbance and ensure the character of the area would not be adversely affected, thereby according with policy 7.15.B of The London Plan 2011 and saved policies EP25, EM25 and D4 of the Harrow Unitary Development Plan 2004

3 No deliveries to the premises shall taken place between the following hours:

2300 and 0700hrs the following day, Mondays to Sundays including Bank Holidays.

REASON: To safeguard the neighbouring occupiers from undue levels of noise and disturbance and ensure the character of the area would not be adversely affected, thereby according with policy 7.15.B of The London Plan 2011 and saved policies EP25, EM25 and D4 of the Harrow Unitary Development Plan 2004

4 The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142. The background noise level shall be expressed as the lowest LA90 during which plant is or may be in operation. Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority

REASON: To safeguard the neighbouring occupiers from undue levels of noise and disturbance and ensure the character of the area would not be adversely affected, thereby according with policy 7.15.B of The London Plan 2011 and saved policies EP25, EM25 and D4 of the Harrow Unitary Development Plan 2004

5 The materials to be used in the construction of the external alterations to the rear outbuilding hereby permitted shall match those used in the existing building.

REASON: To safeguard the appearance of the locality.

6 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Plan; 160/1 (Revision A received 25/04/2012); Design & Access Statement

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The change of use would secure a viable employment and wealth generating use in this location. In addition, the proposed change of use would contribute to an appropriate mix of uses within the centre which would complement and support the retail function of the centre whilst having a positive impact upon the vibrancy of the town centre and contributing positively towards the late evening and night time economy. For these reasons, the development would accord with the strategic objectives of the development plan, and a departure from saved policy EM17 of the UDP of the development plan is therefore justified in this instance.

The change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

National Planning Policy

National Planning Policy Framework 2012

The London Plan [2011]:

4.8.B: Supporting a Successful and Diverse Retail Sector

6.13.C/D: Parking

7.2.C: An Inclusive Environment

7.3.B: Designing out Crime

7.4.B: Local Character

7.13.B: Safety, Security and Resilience to emergency

7.15.B: Reducing Noise and Enhancing Soundscapes

The Harrow Core Strategy 2012

CS1.B/L: Overarching Policy

Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

EP25: Noise

D4: The Standard of Design and Layout

EM17: Change of Use – Secondary Shopping Frontages

EM24: Town Centre Environment

EM25: Food, Drink and Late Night Uses

C16: Access to Leisure, Recreation, Community and Retail Facilities

Adopted Supplementary Planning Documents

Supplementary Planning Document: Access for All 2006

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 PARTY WALL ACT:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote **Product code: 02 BR 00862** when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

4 INFORMATIVE:

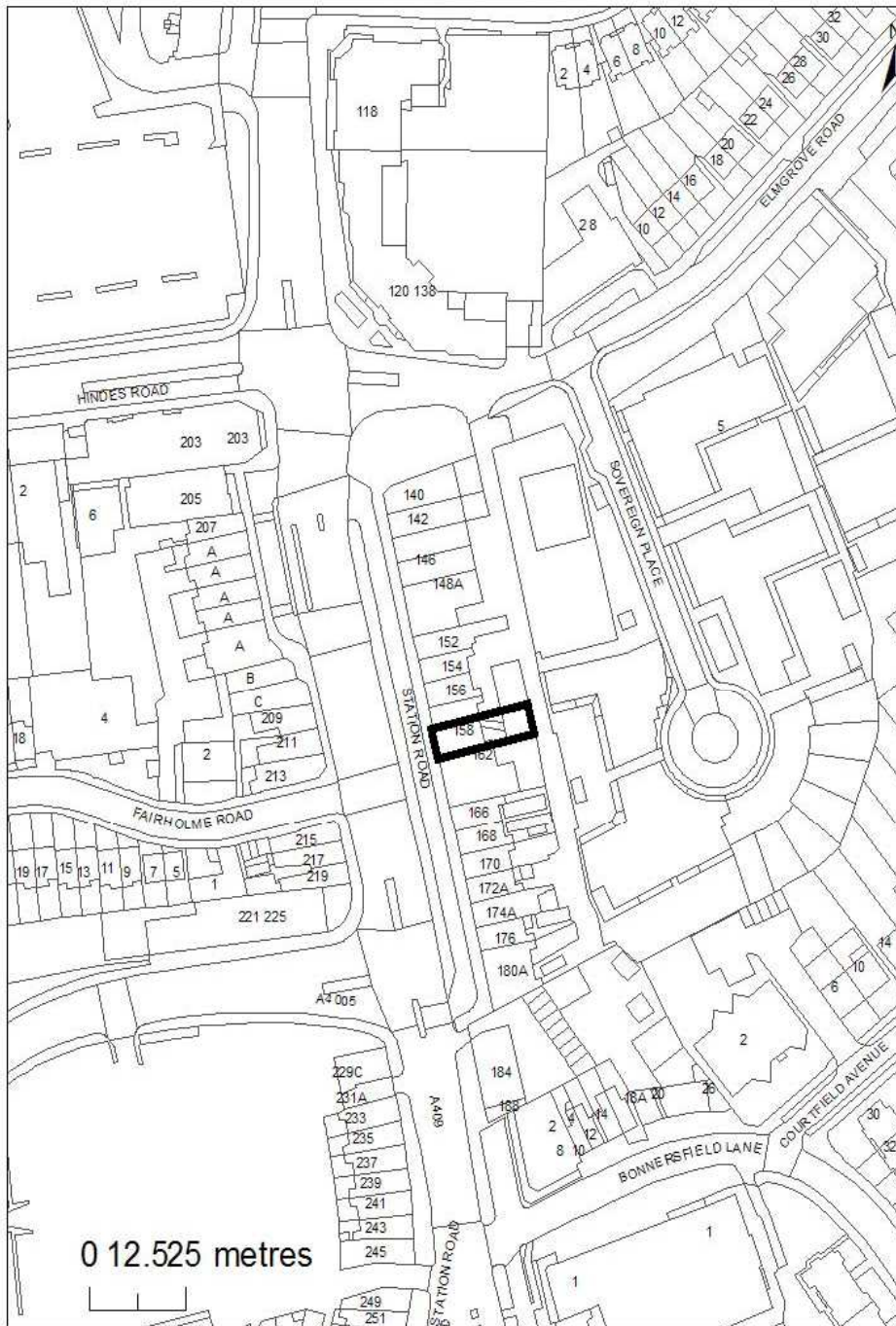
You are advised that the alterations to the shopfront shown on the approved floor plans are not included within this grant of planning permission, as this element does not form part of the description of development in the planning application. These alterations should be the subject of a separate planning application.

5 INFORMATIVE:

You are advised that separate advertisement consent is required for the new signage installed at the front of the premises.

Plan Nos: Site Plan; 160/1 (Revision A received 25/04/2012); Design & Access Statement

160 STATION ROAD, HARROW



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Item No. 2/02

Address: UNITS 12 AND 13 AND KIOSK C, ST GEORGE'S SHOPPING CENTRE, ST ANN'S ROAD, HARROW

Reference: P/1996/12

Description CHANGE OF USE FROM RETAIL TO RESTAURANT (USE CLASS A1 TO USE CLASS A3); VENTILATION FLUE

Ward GREENHILL

Applicant: REDEFINE INTERNATIONAL PLC

Agent: QUOD

Case Officer: FERGAL O'DONNELL

Expiry Date: 05 SEPTEMBER 2012

RECOMMENDATION

GRANT planning permission for the development described in the application and submitted plans for the following reason, subject to conditions:

REASON

The applicant has demonstrated that the viability of the application site to contribute to the retail function of the town centre had diminished and will continue to diminish in the short to medium term. The proposed change of use of Unit 13, Kiosk C and part of Unit 12 within St. George's Shopping Centre would secure a viable employment and wealth generating use in this location. In addition the change of use would provide a more appropriate mix of uses within the centre which would complement and support the retail function of the centre whilst having a positive impact upon the vibrancy of the town centre and contributing positively towards the late evening and night time economy. For these reasons, the development would accord with the strategy objectives, and a departure from saved policy EM16 of the Unitary Development Plan is therefore justified in this instance.

The change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

INFORMATION:

This application is being reported to committee as the proposal constitutes a material departure from the development plan and is therefore excluded by provision D from the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: Change of Use

Council Interest: None

Gross Proposed Internal Floorspace: 320sqm

Net Additional Floorspace: 0sqm

GLA Community Infrastructure (CIL) Contribution: Not applicable as no net additional floor space

Site Description

- The application site relates to Unit 13, part of Unit 12 and Kiosk C within St. George's Shopping Centre, a large retail and leisure centre located at the western end of the St. Ann's Road.
- The units are combined to create a large retail unit of some 320sqm located on the northern side of the ground floor of the shopping centre, adjacent to the central atrium of the centre.
- St. George's Shopping Centre is a four-storey building and comprises a mix of retail, restaurant and leisure uses with car parking provided on the uppermost floors.
- St. Ann's Road is pedestrianised and is the primary shopping street within Harrow Metropolitan Centre.
- Unit 13 and Kiosk C are currently occupied by Westside Clothing and Thorntons respectively and Unit 12 is occupied by Esquire Coffee.

Proposal Details

- It is proposed to change the use of Unit 13, part of Unit 12, and Kiosk C from retail (A1) to a restaurant (A3).
- It is proposed to provide a ventilation extract duct which would discharge onto the Kymberley Road elevation. The extract duct would be obscured from view by the existing ventilation grills on this elevation.

Relevant History

WEST/184/93/FUL

4-STOREY DEVELOPMENT/RETAIL AND LEISURE, CAR PARKING AND ACCESS

Granted: 20 December 1993

P/1979/12

CHANGE OF USE FROM RETAIL TO RESTAURANT (USE CLASS A1 TO USE CLASS A3); VENTILATION FLUE

Application recommended for grant to Planning Committee 05 September 2012

Applicant Submission Documents

- Design and Access Statement;
- Plant Noise Assessment;
- Supporting Letter dated 11 July 2012
- Letter dated 10 July from Jones Lang LaSalle

Consultations

Advertisement: Departure from Development Plan
Expiry: 16 August 2012

Site Noticed Erected: 01 August 2012
Expiry: 22 August 2012

Notifications

Sent: 59
Replies: 0
Expiry: 10 August 2012

Neighbours Consulted:

St George's Shopping Centre, St Anns Road: Units 1-37, Kiosks 1-9 and A-E
St Ann's Road: The Rat and Parrot Public House, Flat 1 at The Rat and Parrot Public House
St Kilda's Road: 1, 1a
Greenhill Way: 50-74 (even)
Headstone Road: 47, 48
Springfield Road: 15, 15-19
Abercorn House, 15-19 Springfield Road: Unit 1

Summary of Responses:

- None

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

MAIN CONSIDERATIONS

- 1) Principle of Development and Land Use
- 2) Character and Appearance of the Area
- 3) Amenity
- 4) Traffic, Safety and Parking
- 5) Accessibility
- 6) S17 Crime & Disorder Act
- 7) Consultation Responses

1) Principle of Development and Land Use

The National Planning Policy Framework [NPPF] sets out a strategy to provide for sustainable development and considers that ensuring the vitality of town centres is a key tenet in securing sustainable development. Town centres should be recognised as the heart of communities and policies should be pursued which ensure their viability and vitality, thereby ensuring competitiveness and customer choice.

Policy CS1.L of the Harrow Core Strategy recognises that Harrow town centre should be promoted as a focus for community life, providing residents with convenient access to a range of shops, services and cultural and leisure facilities.

Saved policy EM16 of the Harrow Unitary Development Plan 2004 seeks to ensure that Harrow Metropolitan Centre provides good shopping facilities whilst maintaining the balanced range of other uses essential to the vitality of centres. This policy sets out a criteria based approach for changes of uses from shops to other uses which reflect these objectives and states that the change of use to non-retail uses will normally be permitted provided that: a) the proposed use provides a service that is directly related to a shopping trip and supports the retail function of the centre; b) the length of primary frontage in non-retail use in Harrow town centre does not exceed 15%; c) a harmful concentration of non-retail uses is not created or added to; d) the premises can be adequately serviced without harm to highway safety or convenience; and e) a window display or appropriate frontage is maintained. Other use classes other than A Use Classes will not normally be permitted. Saved policy EM24 of the Harrow Unitary Development Plan 2004 seeks to improve the environment of town centres.

The proposed change of use of the retail unit to a café / restaurant would represent a use that is directly related to shopping trips and would support the retail function of the centre. Cafes / Restaurants provide an important function within town centres in ensuring that footfall generated by the primary retail function of the centre is retained within the town centre, and consumers and shoppers do not have to leave the centre during the course of the shopping trip, thereby retaining economic activity in the centre. Cafes / restaurants can also positively enhance the vibrancy of town centres, and particularly so in shopping centres where the noise generated by such uses is acoustically retained in the shopping centre which is not the case with retail uses. The use of the property for café / restaurants use would retain the window display for the unit. The shopping centre is well provided for in terms of servicing and the development would not adversely affect highway safety or convenience. It is therefore considered that the development would accord with criteria a, d and e of saved policy EM16 of the Harrow Unitary Development Plan 2004.

The percentage of primary frontage in non-retail use in Harrow town centre is 16.73% (as of June 2012). The proposed change of use would increase the percentage of primary frontage in non-retail use to 17.49% (it is worth noting that should the concurrent application, P/1979/12, which seeks to change the use of Units 10 & 11 from a retail use to a café / restaurant use also be approved, the percentage of primary frontage in non-retail use in association with this application would be 18.35%). Such a level of non-retail uses in the primary frontage would significantly exceed the 15% threshold set out in saved policy EM16 of the UDP. However, it is inappropriate to consider that development would be harmful solely because it would exceed a quantitative measure stated in the development plan. Rather, a satisfactory test of the appropriateness of use should be based on providing an optimum mix of uses to support a healthy, economic, diverse and prosperous town centre which achieves the strategic objectives of the development plan of providing a sense of place and the heart of the community. A quantitative analysis of

the percentage of retail uses in the centre, though it may provide a useful indicator, cannot successfully do this, as higher levels of non-retail uses may be appropriate in one part of the centre, but may not in another. The consultation document of the Harrow and Wealdstone Area Action Plan Development Plan Document, though it should but afforded limited weight at this stage, recognises the limitations of a quantitative measure in securing the appropriate mix of uses and includes an exception clause whereby development proposals which demonstrate that the proposal would make a positive contribution to the vitality and viability of the town centre can be supported.

St. George's Shopping Centre is identified as being within the primary shopping frontage of the town centre but shopping centres tend to operate in a materially different way to other street frontages as the retention levels of customers and consumers in these areas tends to be higher than other parts of town centres. The applicant considers that the loss of retail occupiers in the shopping centre has threatened the vitality and vibrancy of this part of the town centre and has submitted information from Jones Lang LaSalle which indicates that the trend of retail occupiers vacating premises is likely to continue given the recent spate of retail liquidations. The proposed change of use would ensure vacancy levels in the shopping centre are reduced whilst also ensuring that the vitality and vibrancy of the centre is enhanced by providing a more appropriate mix of uses in the shopping centre. It should be noted that although Unit 12 and Kiosk C are currently occupied by Westside Clothing and Thorntons respectively, these are to be relocated to more appropriate retail units within the shopping centre shortly.

In this instance, it is considered that the statements of the applicant are broadly fair. In areas with such high levels of footfall, it is unusual to see such levels of retail occupancy and this suggests that the number of retail units within the shopping centre may not be viable in the medium term in the current economic climate. The relative vibrancy of the A3 uses in the centre in comparison with the retail uses would suggest that levels of occupancy in the short to medium term are likely to be minimised if the application site were in A3 rather than A1 use. The higher levels of customer retention in shopping centres would have a positive impact on the viability of A3 use and would also provide increased competitiveness and choice and a more positive experience for consumers. In the absence of appropriate retail uses therefore within the centre to take up the existing vacant retail units, it is considered that the use of Unit 13, Kiosk C and part of Unit 12 for A3 use, a use which would complement the retail function of the centre and add to the vibrancy of the centre as discussed in the following paragraph, would provide an appropriate use in this location and positively enhance the mix of uses in the immediate area.

The proposed development would provide an additional A3 use within St. George's Shopping Centre (the concurrent application, P/1979/12, would also provide an additional A3 use) with McDonalds, ASK and Prezzo already located on the first floor. Starbucks is located on the ground floor and Unit 12 is occupied by Esquire Coffee on the opposite side of the central atrium. St. George's Shopping Centre provides a busy arcade within the town centre and experiences high levels of footfall. The shopping centre appears to be performing well in terms of activity and vibrancy and there are no indications that the existing A3 uses in the centre have detracted from the retail offer of the shopping centre. Rather, these units appear to be performing well in this environment and supporting the retail function of the centre. There are three vacant retail units within the shopping centre, approximately located centrally in the ground floor central arcade, and it would appear that A3 units in this location are more resilient to the adverse economic conditions. It is considered that the addition of another A3 use would continue to support the retail

function of the centre as well as providing economic activity and wealth generation in the town centre.

As the development would exceed the specified threshold set out in saved policy EM16 of the Harrow Unitary Development Plan 2004 for non-retail uses in the primary frontage, the proposed change of use would represent a departure from the development plan. The applicant has demonstrated that the viability of the retail function of St George's Shopping Centre is diminishing and is likely to further diminish in the short to medium term as the market struggles with economic conditions. St. George's Shopping Centre is, however, well placed to overcome these adverse economic conditions provided an appropriate mix of uses can be provided for the centre, given the high levels of footfall that the shopping centre experiences. The change of use of the proposed units to A3 use would provide increased vibrancy to the centre and, in the absence of likely retail occupiers in the short to medium term, increase vitality and wealth generating uses to the shopping centre and the town centre, as well as increasing the competitiveness of the late evening and night time economy. The proposed change of use would meet the strategic objectives of the NPPF and the development plan in providing a healthy, dynamic, vibrant and competitive town centre which caters for local communities. A departure from the development plan, in light of other material considerations, can therefore be justified on this basis.

2) Character and Appearance of the Area

The proposed change of use would have a limited impact on the public realm in a physical sense as the shop front to the unit would be retained. Rather than customers using a retail shop, customers would be seated. As discussed above, it is considered that the proposed change of use would add to the vibrancy of the centre creating additional noise in the centre which would positively impact on the shopping experience within the centre. The proposed change of use would therefore accord with policy 7.4.B of The London Plan, policy CS1.B of the Harrow Core Strategy 2012 and saved policy D4 of the Harrow Unitary Development Plan 2004.

The ventilation duct would be obscured from public view by the existing ventilation grills on the side of the building and would not therefore impact on the character or appearance of the area.

3) Amenity

The development proposes to provide a ventilation extract duct which would discharge on Kymberley Road. The extract duct would be obscured by the existing ventilation grill and not be located in close proximity to any residential properties.

The Council's Environmental Health Department has not raised any objection to the development and it is considered that the proposed change of use would not adversely affect the amenity of any of the neighbouring properties, thereby according with policy 7.15.B of the London Plan 2011 and saved policies EP25, EM24 and EM25 of the Harrow Unitary Development Plan 2004.

4) Highway Safety, Servicing and Convenience

The Highway Authority has commented on the application and has not raised any objections. The proposed change of use of the property would not have any significant impact on the transport use profile of the centre and it is considered that the development would not therefore have any adverse impacts on highway safety or convenience. St. George's Shopping Centre has good servicing areas which the proposed café /

restaurant use would make use of and the proposed change of use would not therefore impact upon servicing arrangements or highway safety in this respect.

5) Accessibility

Section 174 of the Equalities Act 2010 requires public authorities, in the exercise of its functions to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. In light of the Equalities Act 2010 and the Act which it has superseded, the Disability Discrimination Act 1995, planning bodies, from the Department of Communities and Local Government down to local planning authorities have adopted policies which require development to provide for the highest standards of inclusive design and ensure that development does not prejudice the rights of any person under Section 174 of the Equalities Act 2010.

In respect of the proposed change of use, policy 7.2.C of the London Plan 2011 requires all future development to meet the highest standards of accessibility and inclusion. Saved UDP policies D4 and C17 similarly require development to meet the highest standards of layout and design, with particular reference to disability discrimination legislation. The applicant has not submitted details of the internal areas. Though it is clear that level access would be provided to the unit, it is unclear whether access or circulation arrangements for the future users of the unit would accommodate all potential users. Nonetheless, Part M of the 2010 Building Regulations requires developers to make all reasonable efforts to provide areas that are accessible for all persons. As the unit would have to be entirely re-fitted, it is considered that this objective would be easily achievable. As this issue would be required by other legislation, it would not be reasonable to attach a condition requiring access for all persons as this would be secured in any event.

6) S17 Crime & Disorder Act 1998

Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the proposed change of use would not adversely affect crime or safety in the area.

7) Consultation responses

None

CONCLUSION

Adopted development plan policies require a balance to be struck between the mix of uses in town centres to ensure the continued vitality and vibrancy of these areas. The proposed change of use seeks to exceed the adopted policy threshold for non-retail uses in primary frontages. In this instance, given the existing circumstances, whereby the viability of the retail function of the St. George's Shopping Centre is diminishing and the proposed change of use would be likely to secure an economic activity which would retain and increase the vibrancy and vitality of the centre, the proposed change of use of the unit is considered to be appropriate. The proposed use would support the attractiveness of the retail offer of the town centre and secure the strategic policy objectives of the development plan. On this basis, a departure from saved policy EM16 of the development plan is considered appropriate in this instance.

The proposed change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

For these reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant.

CONDITIONS:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall only be open to customers within the following hours:

0800 and 0000hrs on Mondays to Sundays and Bank Holidays;

REASON: To safeguard the character of the area, thereby according with saved policy D4 of the Harrow Unitary Development Plan 2004

3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1915-201; 1915-202; 1915-203; 1915-204; 1915-205; 1915-302; 1915-303; 1915-304; 1915-305; 1915-306; Design and Access Statement; Plant Noise Assessment; Supporting Letter dated 11 July 2012; Letter dated 10 July from Jones Lang LaSalle

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The applicant has demonstrated that the viability of the application site to contribute to the retail function of the town centre had diminished and will continue to diminish in the short to medium term. The proposed change of use of Unit 13, Kiosk C and part of Unit 12 within St. George's Shopping Centre would secure a viable employment and wealth generating use in this location. In addition the change of use would provide a more appropriate mix of uses within the centre which would complement and support the retail function of the centre whilst having a have a positive impact upon the vibrancy of the town centre and contributing positively towards the late evening and night time economy. For these reasons, the development would accord with the strategy objectives, and a departure from saved policy EM16 of the Unitary Development Plan is therefore justified in this instance.

The change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

National Planning Policy

The London Plan [2011]:

- 4.8.B: Supporting a Successful and Diverse Retail Sector
- 6.13.C/D: Parking
- 7.2.C: An Inclusive Environment
- 7.3.B: Designing out Crime
- 7.4.B: Local Character
- 7.13.B: Safety, Security and Resilience to emergency
- 7.15.B: Reducing Noise and Enhancing Soundscapes

The Harrow Core Strategy 2012

CS1.B/L: Overarching Policy

Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

- EP25: Noise
- D4: The Standard of Design and Layout
- EM16: Change of Use – Primary Shopping Centres
- EM24: Town Centre Environment
- EM25: Food, Drink and Late Night Uses
- C16: Access to Leisure, Recreation, Community and Retail Facilities
- T13: Parking Standards

Adopted Supplementary Planning Documents

Supplementary Planning Document: Access for All 2006

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 PARTY WALL ACT:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

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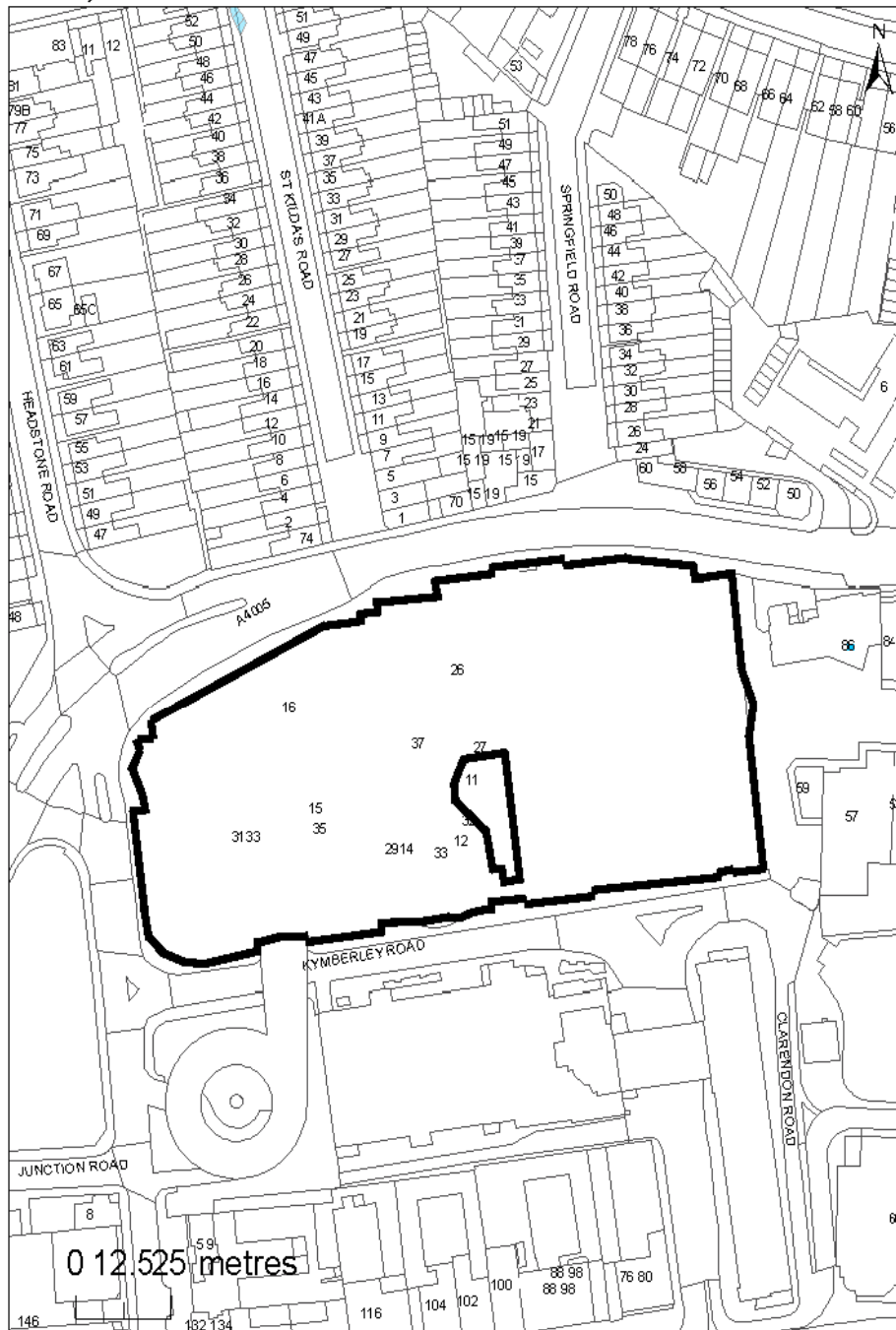
4 INFORMATIVE:

The applicant is reminded of the duties set out in the Equalities Act 2010 with regard to

employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

Plan Nos: 1915-201; 1915-202; 1915-203; 1915-204; 1915-205; 1915-302; 1915-303; 1915-304; 1915-305; 1915-306; Design and Access Statement; Plant Noise Assessment; Supporting Letter dated 11 July 2012; Letter dated 10 July from Jones Lang LaSalle

UNITS 12 AND 13 ST GEORGES SHOPPING CENTRE, ST ANNS ROAD, HARROW



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Item No. 2/03

Address: UNITS 10 AND 11, ST GEORGE'S SHOPPING CENTRE, ST ANN'S ROAD, HARROW

Reference: P/1979/12

Description CHANGE OF USE FROM RETAIL TO RESTAURANT (USE CLASS A1 TO USE CLASS A3); VENTILATION FLUE

Ward GREENHILL

Applicant: REDEFINE INTERNATIONAL PLC

Agent: QUOD

Case Officer: FERGAL O'DONNELL

Expiry Date: 18 SEPTEMBER 2012

RECOMMENDATION

GRANT planning permission for the development described in the application and submitted plans for the following reason, subject to conditions:

REASON

The applicant has demonstrated that the viability of the application site to contribute to the retail function of the town centre has diminished and will continue to diminish in the short to medium term. The proposed change of use of Units 10 & 11 within St. George's Shopping Centre would secure a viable employment and wealth generating use in this location. In addition the change of use would provide a more appropriate mix of uses within the centre which would complement and support the retail function of the centre whilst having a positive impact upon the vibrancy of the town centre and contributing positively towards the late evening and night time economy. For these reasons, the development would accord with the strategy objectives of the development plan, and a departure from saved policy EM16 of the Unitary Development Plan is therefore justified in this instance.

The change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

INFORMATION:

This application is being reported to committee as the proposal constitutes a material departure from the development plan and is therefore excluded by provision D of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: Change of Use

Council Interest: None

Gross Proposed Internal Floorspace: 375sqm

Net Additional Floorspace: 0sqm

GLA Community Infrastructure (CIL) Contribution: Not applicable as no net additional floor space

Site Description

- The application site relates to Units 10 & 11 within St. George's Shopping Centre, a large retail and leisure centre located at the western end of the St. Ann's Road.
- The units are combined to create a large retail unit of some 370sqm located on the northern side of the ground floor of the shopping centre, adjacent to the central atrium of the centre.
- St. George's Shopping Centre is a four-storey building and comprises a mix of retail, restaurant and leisure uses with car parking provided on the uppermost floors.
- St. Ann's Road is pedestrianised and is the primary shopping street within Harrow Metropolitan Centre.
- The units are currently occupied by "Just Genius", a retail (A1) use.

Proposal Details

- It is proposed to change the use of Units 10 & 11 from retail (A1) to a restaurant (A3).
- It is proposed to provide a ventilation extract duct which would discharge onto the Greenhill Way elevation. The extract duct would be obscured from view by the existing ventilation grills on this elevation.

Relevant History

WEST/184/93/FUL

4-STOREY DEVELOPMENT/RETAIL AND LEISURE, CAR PARKING AND ACCESS

Granted: 20 December 1993

P/1996/12

CHANGE OF USE FROM RETAIL TO RESTAURANT (USE CLASS A1 TO USE CLASS A3); VENTILATION FLUE

Application recommended for grant to Planning Committee : 05 September 2012

Applicant Submission Documents

- Design and Access Statement;
- Plant Noise Assessment;
- Supporting Letter dated 11 July 2012
- Letter dated 10 July from Jones Lang LaSalle

Consultations

Advertisement: Departure from Development Plan
Expiry: 23 August 2012

Site Noticed Erected: 01 August 2012
Expiry: 22 August 2012

Notifications

Sent: 57
Replies: 0
Expiry: 15 August 2012

Neighbours Consulted:

St George's Shopping Centre, St Anns Road: Units 1-37, Kiosks 1-9 and A-E
St Ann's Road: The Rat and Parrot Public House, Flat 1 at The Rat and Parrot Public House
St Kilda's Road: 1, 1a
Greenhill Way: 50-74 (even)
Headstone Road: 47, 48
Springfield Road: 15, 15-19
Abercorn House, 15-19 Springfield Road: Unit 1

Summary of Responses:

- None

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

MAIN CONSIDERATIONS

- 1) Principle of Development and Land Use
- 2) Character and Appearance of the Area
- 3) Amenity
- 4) Traffic, Safety and Parking
- 5) Accessibility
- 6) S17 Crime & Disorder Act
- 7) Consultation Responses

1) Principle of Development and Land Use

The National Planning Policy Framework [NPPF] sets out a strategy to provide for sustainable development and considers that ensuring the vitality of town centres is a key tenet in securing sustainable development. Town centres should be recognised as the heart of communities and policies should be pursued which ensure their viability and vitality, thereby ensuring competitiveness and customer choice.

Policy CS1.L of the Harrow Core Strategy recognises that Harrow town centre should be promoted as a focus for community life, providing residents with convenient access to a range of shops, services and cultural and leisure facilities.

Saved policy EM16 of the Harrow Unitary Development Plan 2004 seeks to ensure that Harrow Metropolitan Centre provides good shopping facilities whilst maintaining the balanced range of other uses essential to the vitality of centres. This policy sets out a criteria based approach for changes of uses from shops to other uses which reflect these objectives and states that the change of use to non-retail uses will normally be permitted provided that: a) the proposed use provides a service that is directly related to a shopping trip and supports the retail function of the centre; b) the length of primary frontage in non-retail use in Harrow town centre does not exceed 15%; c) a harmful concentration of non-retail uses is not created or added to; d) the premises can be adequately serviced without harm to highway safety or convenience; and e) a window display or appropriate frontage is maintained. Other use classes other than A Use Classes will not normally be permitted. Saved policy EM24 of the Harrow Unitary Development Plan 2004 seeks to improve the environment of town centres.

The proposed change of use of the retail unit to a café / restaurant would represent a use that is directly related to shopping trips and would support the retail function of the centre. Cafes / Restaurants provide an important function within town centres in ensuring that footfall generated by the primary retail function of the centre is retained within the town centre, and consumers and shoppers do not have to leave the centre during the course of the shopping trip, thereby retaining economic activity in the centre. Cafes / restaurants can also positively enhance the vibrancy of town centres, and particularly so in shopping centres where the noise generated by such uses is acoustically retained in the shopping centre which is not the case with retail uses. The use of the property for café / restaurants use would retain the window display for the unit. The shopping centre is well provided for in terms of servicing and the development would not adversely affect highway safety or convenience. It is therefore considered that the development would accord with criteria a, d and e of saved policy EM16 of the Harrow Unitary Development Plan 2004.

The percentage of primary frontage in non-retail use in Harrow town centre is 16.73% (as of June 2012). The proposed change of use would increase the percentage of primary frontage in non-retail use to 17.59% (it is worth noting that should the concurrent application, P/1996/12, which seeks to change the use of Units 13, part of Unit 12 and Kiosk C from a retail use to a café / restaurant also be approved, the percentage of primary frontage in non-retail use in association with this application would be 18.35%). Such a level of non-retail uses in the primary frontage would significantly exceed the 15% threshold set out in saved policy EM16 of the UDP. However, it is inappropriate to consider that development would be harmful solely because it would exceed a quantitative measure stated in the development plan. Rather, a satisfactory test of the appropriateness of use should be based on providing an optimum mix of uses to support a healthy, economic, diverse and prosperous town

centre which achieves the strategic objectives of the development plan of providing a sense of place and the heart of the community. A quantitative analysis of the percentage of retail uses in the centre, though it may provide a useful indicator, cannot successfully do this, as higher levels of non-retail uses may be appropriate in one part of the centre, but may not in another. The consultation document of the Harrow and Wealdstone Area Action Plan Development Plan Document, though it should but afforded limited weight at this stage, recognises the limitations of a quantitative measure in securing the appropriate mix of uses and includes an exception clause whereby development proposals which demonstrate that the proposal would make a positive contribution to the vitality and viability of the town centre can be supported.

St. George's Shopping Centre is identified as being within the primary shopping frontage of the town centre but shopping centres tend to operate in a materially different way to other street frontages as the retention levels of customers and consumers in these areas tends to be higher than other parts of town centres. The applicant considers that the loss of retail occupiers in the shopping centre has threatened the vitality and vibrancy of this part of the town centre and has submitted information from Jones Lang LaSalle which indicates that the trend of retail occupiers vacating premises is likely to continue given the recent spate of retail liquidations. The proposed change of use would ensure vacancy levels in the shopping centre are reduced whilst also ensuring that the vitality and vibrancy of the centre is enhanced by providing a more appropriate mix of uses in the shopping centre. It should be noted that although the units which are the subject of this application are currently occupied, this is on a short term lease.

In this instance, it is considered that the statements of the applicant are broadly fair. In areas with such high levels of footfall, it is unusual to see such levels of retail occupancy and this suggests that the number of retail units within the shopping centre may not be viable in the medium term in the current economic climate. The relative vibrancy of the A3 uses in the centre in comparison with the retail uses would suggest that levels of occupancy in the short to medium term are likely to be minimised if the application site were in A3 rather than A1 use. The higher levels of customer retention in shopping centres would have a positive impact on the viability of A3 use and would also provide increased competitiveness and choice and a more positive experience for consumers. In the absence of appropriate retail uses therefore within the centre to take up the existing vacant retail units, it is considered that the use of Units 10 & 11 for A3 use, a use which would complement the retail function of the centre and add to the vibrancy of the centre as discussed in the following paragraph, would provide an appropriate use in this location and positively enhance the mix of uses in the immediate area.

The proposed development would provide an additional A3 use within St. George's Shopping Centre (the concurrent application, P/1996/12, would also provide an additional A3 use) with McDonalds, ASK and Prezzo already located on the first floor. Starbucks is located on the ground floor and Unit 12 is occupied by Esquire Coffee on the opposite side of the central atrium. St. George's Shopping Centre provides a busy arcade within the town centre and experiences high levels of footfall. The shopping centre appears to be performing well in terms of activity and vibrancy and there are no indications that the existing A3 uses in the centre have detracted from the retail offer of the shopping centre. Rather, these units appear to be performing well in this environment and supporting the retail function of the centre. There are three vacant retail units within the shopping centre, approximately located centrally in the ground

floor central arcade, and it would appear that A3 units in this location are more resilient to the adverse economic conditions. It is considered that the addition of another A3 use would continue to support the retail function of the centre as well as providing economic activity and wealth generation in the town centre.

As the development would exceed the specified threshold set out in saved policy EM16 of the Harrow Unitary Development Plan 2004 for non-retail uses in the primary frontage, the proposed change of use would represent a departure from the development plan. The applicant has demonstrated that the viability of the retail function of St George's Shopping Centre is diminishing and is likely to further diminish in the short to medium term as the market struggles with economic conditions. St. George's Shopping Centre is, however, well placed to overcome these adverse economic conditions provided an appropriate mix of uses can be provided for the centre, given the high levels of footfall that the shopping centre experiences. The change of use of the proposed unit to A3 use would provide increased vibrancy to the centre and, in the absence of likely retail occupiers in the short to medium term, increase vitality and wealth generating uses to the shopping centre and the town centre, as well as increasing the competitiveness of the late evening and night time economy. The proposed change of use would meet the strategic objectives of the NPPF and the development plan in providing a healthy, dynamic, vibrant and competitive town centre which caters for local communities. A departure from the development plan, in light of other material considerations, can therefore be justified on this basis.

2) Character and Appearance of the Area

The proposed change of use would have a limited impact on the public realm in a physical sense as the shop front to the unit would be retained. Rather than customers using a retail shop, customers would be seated. As discussed above, it is considered that the proposed change of use would add to the vibrancy of the centre creating additional noise in the centre which would positively impact on the shopping experience within the centre. The proposed change of use would therefore accord with policy 7.4.B of The London Plan, policy CS1.B of the Harrow Core Strategy 2012 and saved policy D4 of the Harrow Unitary Development Plan 2004.

The ventilation duct would be obscured from public view by the existing ventilation grills on the side of the building and would not therefore impact on the character or appearance of the area.

3) Amenity

The development proposes to provide a ventilation extract duct which would discharge on Greenhill Way. The extract duct would be obscured by the existing ventilation grill and would be buffered from the residential properties on the opposite side of Greenhill Way by the busy highway which experiences relatively high levels of ambient noise. Other noise associated with the use would be confined to the internal areas of St. George's Shopping Centre.

The Council's Environmental Health Department has not raised any objection to the development and given the high levels of ambient noise that the existing residential properties on the northern side of Greenhill Way experience, it is considered that the proposed change of use would not adversely affect the amenity of the occupiers of these properties, thereby according with policy 7.15.B of the London Plan 2011 and saved policies EP25, EM24 and EM25 of the Harrow Unitary Development Plan 2004.

To ensure that there would be no adverse impacts on the amenities of neighbouring occupiers when the ambient noise level of the Greenhill Way area would be lower, a condition is attached in relation to opening hours.

4) Highway Safety, Servicing and Convenience

The Highway Authority has commented on the application and has not raised any objections. The proposed change of use of the property would not have any significant impact on the transport use profile of the centre and it is considered that the development would not therefore have any adverse impacts on highway safety or convenience. St. George's Shopping Centre has good servicing areas which the proposed café / restaurant use would make use of and the proposed change of use would not therefore impact upon servicing arrangements or highway safety in this respect.

5) Accessibility

Section 174 of the Equalities Act 2010 requires public authorities, in the exercise of its functions to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. In light of the Equalities Act 2010 and the Act which it has superseded, the Disability Discrimination Act 1995, planning bodies, from the Department of Communities and Local Government down to local planning authorities have adopted policies which require development to provide for the highest standards of inclusive design and ensure that development does not prejudice the rights of any person under Section 174 of the Equalities Act 2010.

In respect of the proposed change of use, policy 7.2.C of the London Plan 2011 requires all future development to meet the highest standards of accessibility and inclusion. Saved UDP policies D4 and C17 similarly require development to meet the highest standards of layout and design, with particular reference to disability discrimination legislation. The applicant has not submitted details of the internal areas. Though it is clear that level access would be provided to the unit, it is unclear whether access or circulation arrangements for the future users of the unit would accommodate all potential users. Nonetheless, Part M of the 2010 Building Regulations requires developers to make all reasonable efforts to provide areas that are accessible for all persons. As the unit would have to be entirely re-fitted, it is considered that this objective would be easily achievable. As this issue would be required by other legislation, it would not be reasonable to attach a condition requiring access for all persons as this would be secured in any event.

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Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the proposed change of use would not adversely affect crime or safety in the area.

7) Consultation responses

None

CONCLUSION

Adopted development plan policies require a balance to be struck between the mix of uses in town centres to ensure the continued vitality and vibrancy of these areas. The proposed change of use seeks to exceed the adopted policy threshold for non-retail uses in primary frontages. In this instance, given the existing circumstances, whereby the viability of the retail function of the St. George's Shopping Centre is diminishing and the proposed change of use would be likely to secure an economic activity which would retain and increase the vibrancy and vitality of the centre, the proposed change of use of the unit is considered to be appropriate. The proposed use would support the attractiveness of the retail offer of the town centre and secure the strategic policy objectives of the development plan. On this basis, a departure from saved policy EM16 of the development plan is considered appropriate in this instance.

The proposed change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

For these reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant.

CONDITIONS:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall only be open to customers within the following hours:

0800 and 0000hrs on Mondays to Sundays and Bank Holidays;

REASON: To safeguard the neighbouring occupiers from undue levels of noise and disturbance and ensure the character of the area would not be adversely affected, thereby according with policy 7.15.B of The London Plan 2011 and saved policies EP25, EM25 and D4 of the Harrow Unitary Development Plan 2004

3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1915-001; 1915-003; 1915-004; 1915-005; 1915-102; 1915-103; 1915-104; 1915-105; 1915-106; Design and Access Statement; Plant Noise Assessment; Supporting Letter dated 11 July 2012; Letter dated 10 July from Jones Lang LaSalle

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The applicant has demonstrated that the viability of the application site to contribute to the retail function of the town centre has diminished and will continue to diminish in the short to medium term. The proposed change of use of Units 10 & 11 within St. George's Shopping Centre would secure a viable employment and wealth generating use in this location. In addition the change of use would provide a more appropriate

mix of uses within the centre which would complement and support the retail function of the centre whilst having a positive impact upon the vibrancy of the town centre and contributing positively towards the late evening and night time economy. For these reasons, the development would accord with the strategy objectives of the development plan, and a departure from saved policy EM16 of the Unitary Development Plan is therefore justified in this instance.

The change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

The decision to GRANT planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

National Planning Policy
National Planning Policy Framework 2012

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7.3.B: Designing out Crime
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CS1.B/L: Overarching Policy

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The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

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The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal

agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
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Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

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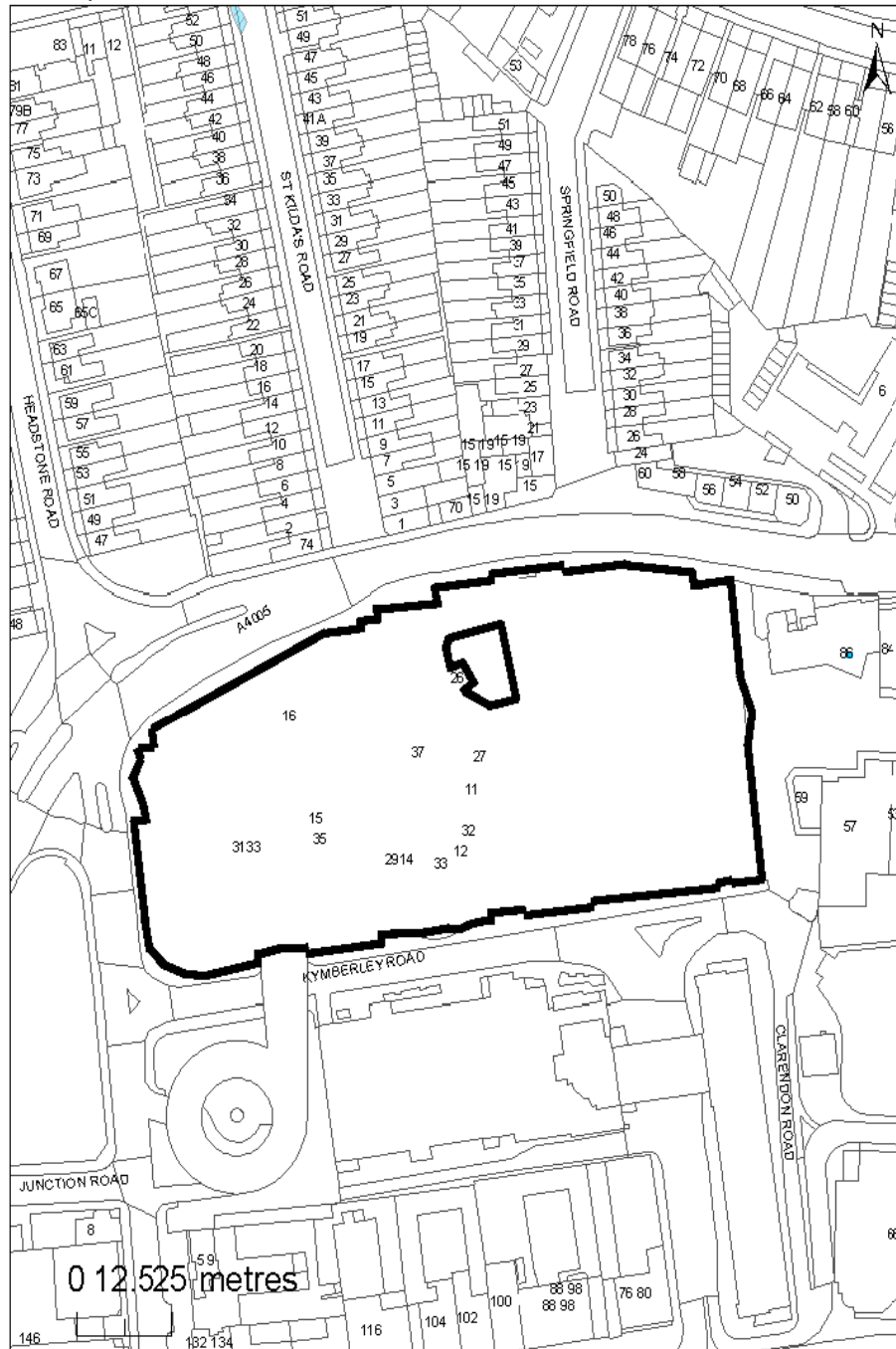
E-mail: communities@twoten.com

4 INFORMATIVE:

The applicant is reminded of the duties set out in the Equalities Act 2010 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

Plan Nos: 1915-001; 1915-003; 1915-004; 1915-005; 1915-102; 1915-103; 1915-104; 1915-105; 1915-106; Design and Access Statement; Plant Noise Assessment; Supporting Letter dated 11 July 2012; Letter dated 10 July from Jones Lang LaSalle

UNITS 10 AND 11 ST GEORGES SHOPPING CENTRE, ST ANNS ROAD, HARROW



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Item No: 2/04
Address: 97 WOODBERRY AVENUE, HARROW
Reference: P/3445/11
Description: Single Storey Side Extension
Ward: Headstone
Applicant: Mr M.A. Qureshi
Case Officer: TOM FORKAN
Expiry Date: 20/07/2012

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to conditions.

REASON

The development would be in harmony with the character and appearance of the existing dwellinghouse and the streetscene of Woodberry Avenue or Pinner View and would not cause any unreasonable loss of residential amenity to any neighbouring properties.

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), The London Plan (2011), Harrow Core Strategy (2012) and the Harrow Unitary Development Plan (2004), as well as to all relevant material considerations including any responses to consultation.

INFORMATION:

This application is being reported to committee as the proposal constitutes a material departure from the development plan and is therefore excluded by provision D from the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: 21 – Householder Development

Council Interest: None

GLA Community Infrastructure (CIL) Contribution: Not applicable

Site Description

- Two-storey semi-detached dwellinghouse located on a wedge shaped site on the corner of Woodberry Avenue and Pinner View.
- The property has a single storey rear extension, rear dormer, hip to gable roof extension and a single storey outbuilding in the rear garden.
- No. 95 Woodberry Avenue, to the west, is the attached dwellinghouse with a matching single storey rear extension, rear dormer and gable ended roof.
- Rear garden is approximately 22m deep.

- Front garden is partly hard surfaced and is used for vehicle parking (4 spaces).
- The rest of the surrounding area is primarily residential development, similar to the dwelling on site.
- The site is not in a Conservation Area, is not a Listed Building, is not in an area at significant risk of flooding and there are no trees which could be affected by the development.

Proposal Details

- The application proposes a single storey side extension which extends beyond the main rear wall to adjoin the existing single storey rear extension.
- The side extension would have a pitched roof.
- The side extension would be 3.4m in width, 11.8m in depth and 2.85m in height to eaves level and 4.1m in height where it joins the main flank wall.
- It would be set back from the front elevation by 0.5m and would project 3.7m beyond the rear main wall, to match the depth of the existing rear extension.
- Materials to match existing (facing brickwork, render and tiles).

Revisions to Previous Application

Following the previous decision (P/2257/11) the following revisions have been made:

- The width of the side extension has been reduced from 5.3m to 3.4m.
- The design of the extension has been revised, from a gable end to a mono-pitch roof.
- The maximum height of the extension has been reduced from 6.5m to 4.1m

Relevant History

HAR/4986

USE SEMI-DETACHED HOUSES AS 2 LIVING UNITS

GRANTED : 15/05/1951

P/3937/08

NEW TWO STOREY HOUSE ATTACHED TO NO.97 WOODBERRY AVENUE; NEW VEHICULAR ACCESS FROM PINNER VIEW

REFUSED : 16/02/2009

Reasons for Refusal:

1. The proposal, by reason of inappropriate and out of character design on this corner plot, would be unacceptable in the streetscene, and would fail to respect the form and pattern of development of the adjoining house and the locality, to the detriment of the character and appearance of the area, contrary to policy 4B.8 of the London Plan (2008), policy D4 of the Harrow Unitary Development Plan (2004), and Supplementary Planning Guidance, Extensions: A Householder's Guide (2008).
2. The proposed dwellinghouse, by reason of poor layout and design would not make a satisfactory contribution to the supply of accessible homes in the Borough and would fail to make adequate provision for persons with disabilities, to the detriment of the amenities of future occupiers of the site, contrary to Policy 3A.5 of the London Plan, Policies D4 and C16 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Accessible Homes (2006)
3. The proposed parking spaces would be too shallow, and would be likely to give rise to vehicles overhanging the footway to the detriment of the free flow and safety of pedestrians, contrary to policy D4 of the Harrow Unitary Development Plan (2004)

P/0225/10

SINGLE AND TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION

REFUSED : 08/10/2010

Reason for Refusal:

1. The proposed two storey side extension, by reason of unsatisfactory design, siting and excessive bulk, would be unduly obtrusive, overbearing and incongruous in the streetscene, would give rise to an excessive loss of openness on this prominent corner site, and would be detrimental to the character and appearance of the existing dwellinghouse and the area contrary to saved policy D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".

P/1602/10

NEW DETACHED TWO STOREY DWELLINGHOUSE (VEHICULAR ACCESS FROM PINNER VIEW HAS BEEN REMOVED).

REFUSED : 24/09/2010

APPEAL DISMISSED : 21/03/2011

Reasons for Refusal:

1. The proposed redevelopment of the site to provide a dwellinghouse, by reason of its siting within a private residential garden, would represent an inappropriate form of development, contrary to the guidance set out under PPS3: Housing (2010), and saved policy EP20 of the Harrow Unitary Development Plan (2004).
2. The proposal, by reason of inappropriate and inappropriate design on this corner plot, would be unacceptable in the streetscene, lead to a loss of openness on this corner site and would fail to respect the form and pattern of development of the adjoining house and the locality, to the detriment of the character and appearance of the area, contrary to policy 4B.8 of the London Plan (2008), policy saved D4 of the Harrow Unitary Development Plan (2004), and adopted Supplementary Planning Guidance, Extensions: A Householder's Guide (2008).
3. The proposal, by reason of excessive hardsurfacing and little scope for soft landscaping, would be visually obtrusive and unattractive, and would detract from the appearance of the area, streetscene and the amenities of neighbouring residents, contrary to saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

P/2894/10

SINGLE AND TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION

REFUSED : 15/12/2010

Reason for Refusal:

The proposed two storey side extension, by reason of inappropriate design and location on this prominent corner plot, would be unduly obtrusive and overbearing in the streetscene, lead to a loss of openness on this corner site and would fail to respect the form and pattern of development of the adjoining house and the locality, to the detriment of the character and appearance of the streetscene, and the visual amenities of the area, contrary to policy 4B.1 of the London Plan (2008), policy saved D4 of the Harrow Unitary Development Plan (2004), and adopted Supplementary Planning Guidance, Extensions: A Householder's Guide (2008).

P/2257/11

Single storey side extension

Refused : 20/09/2011

Reason for Refusal:

The proposed side extension, by reason of its excessive width in relation to the original dwellinghouse, and its height, would be unduly obtrusive and overbearing in the streetscene, lead to a loss of openness on this corner site and would fail to respect the form and pattern of development of the adjoining house and the locality, to the detriment of the character and appearance of the property and the streetscene, and the visual amenities of the area, contrary to policies 7.4B and 7.6B of the London Plan (2011), saved policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

Pre-Application Discussion

- Ref: HA/2011/ENQ/00090 – Two storey side extension. Considered unacceptable in principle by letter dated 06/07/2011. This pre-application enquiry was relevant to the previously refused applications P/2894/10 and P/2257/11. It is considered less relevant to the current application due to the reduction in scale of the proposed extension.

Applicant Submission Documents

- None

Consultations

- Headstone Residents' Association: No comment received

Newspaper Advertisement: N/A

Site Notice: N/A

Neighbourhood Notifications:

Sent: Replies: 19 objections (15 of Expiry: 09/02/2012 (initial notification);
9 which are within a petition)

Subsequent re-notification on amended plans
on 13/03/2012 & 30/05/2012

Nos. 93, 95 Woodberry Avenue; 93, 95, 97, 99, 101, 162, 164 Pinner View

Summary of responses:

Petition in objection:

- 15 signatures to document entitled 'Petition against the proposed development of a single storey side extension to 97 Woodberry Avenue Harrow Reference P/3445/11'. This petition does not expand upon the reasons for the objection.

Four separate letters of objection:

- Site is being used as a business.
- Property has been converted into flats.
- Concern of overdevelopment of the current property and visual impact of extension.
- Safety issues associated with increased traffic movements and parking requirements generated by the development; also, concern over visibility spays.
- Design and shape of proposed extension would render property out of character with the local area, and infringes on the building line along Pinner View.

- 97 Woodberry Avenue has been converted into flats and it is likely that the new development would also.
- Area has been subject to flooding in the past; additional building and hard surfacing would contribute to increasing future flood risk.
- Concerns over potential future development (i.e. adding a third storey to the building).
- Previous applications for both a new dwelling and an extension to 97 Woodberry Avenue have been rejected by the Council.
- Concern over the number of applications submitted at the property.
- Plans submitted are not accurate in respect of rear outbuilding.

APPRAISAL

MAIN CONSIDERATIONS

- 1) Background
- 2) Character and Appearance of the Area
- 3) Impact upon Residential Amenity
- 4) S17 Crime & Disorder Act 1998
- 5) Parking and Traffic
- 6) Consultation Responses

1) Background

It is noted that seven planning applications at this property have been submitted over the past four years, five of which have been refused by the Council (with one subsequent appeal dismissed). Two of these applications have related to a new house and three have related to single and two storey side and rear extensions to the house. It is acknowledged that this has caused some concern with the neighbours.

The Council (as local planning authority) has powers under Section 70 of the Town and Country planning Act 1990 (as amended) to 'decline to determine' an application, if it considers it is the same or substantially the same as an application that, within the previous two years, has been refused permission at least twice.

In this instance, it is considered that the current proposal is not the same or substantially the same as those that have preceded it, due to the material differences in the scale and form of the extension. Therefore, the Council must determine it.

2) Character and Appearance of the Area

The Council has published a Supplementary Planning Document on Residential Design (2010) which provides detailed guidance for residential extensions. Paragraph 6.11 of the SPD states that extensions should have a sense of proportion and balance, both in their own right and in relation to the original building and the area, and should not dominate the original building.

The existing dwellinghouse is approximately 6.8m wide. The proposed extension would be 3.4m wide. As such, the proposed extension would be no greater than half the width of the original property. This is significantly narrower than the 5.3m wide extension previously refused in 2011 (Ref: P/2257/11). With regard to the width of the current proposal, due to it being no more than half the width of the parent building this is considered acceptable and proportionate.

The site is a relatively large corner site, compared with the surrounding corner plots in the vicinity, with a large area of openness on the corner fronting Pinner View. Paragraph 6.52 of the Residential Design Guide SPD states that “side extensions on corner sites should reflect the pattern of development in the street scene, in particular where the character is one of openness and space on the corner plots. Consideration will be given to established character, projection of the extension beyond existing building lines, bulk and visual impact, and relationship to the site boundaries.” Paragraph 6.57 goes on to say that where a property has already been extended by the conversion of a hipped to gable ended roof, a further side extension (first floor or two storey) is inappropriate as such developments are incompatible with the design, character, bulk and appearance of the locality.

With regard to the above guidance, the height and roof form of the proposed side extension has been significantly amended from the most recently refused application (P/2257/11). Its maximum height (where it joins the flank wall of the house) has been reduced from 6.5m to 4.1m, and its roof form from a gable end to a mono-pitch. The result of this is that its overall bulk and prominence has been substantially lessened, and when taken with the much reduced width it would appear as a subordinate addition to the parent building. Its 3.7m depth beyond the main rear wall would match and be flush with the edge of the ground floor rear extension. This depth is not considered unreasonable in the context of the modest height and width of the extension and the plot size.

Whilst the prominence of this corner plot within the wider street scene is acknowledged, the submitted plans indicate that a substantial gap of in excess of 5m would be retained between the front edge of the new side extension and the site boundary with Pinner View. This gap would be reduced to 3m at the rear corner of the extension, due to the differing angles of the siting of the house in relation to the boundary with Pinner View. With regard to the issue of the building line, it is not considered that the side extension would project past the front building line of neighbouring properties to the north and south on Pinner View to any significant extent. The nearest neighbouring properties fronting Pinner View are quite a distance away, and have a very different relationship to the street since their principal elevations front onto it, whereas the property in question faces away from it, as would the proposed extension.

Overall, the current proposal is significantly more modest in scale than its predecessors, and is considered to be a proportionate and subordinate addition that would not materially harm the character or appearance of the building or the locality. It would not result in the openness of the corner plot being compromised to any significant extent. The fact that the extension would be prominent in certain views within the street scene, in particular due to its flank wall facing towards Pinner View, is not in itself a justification for the refusal of the proposal.

The fenestration and openings proposed within the extension are modest and appropriate to the character of the house. The materials used in the construction of the extension would match those in the adjacent walls of the house, and a condition is recommended to ensure this.

Given the above, the proposal is considered to comply with the aims and objectives of policies 7.4B and 7.6B of The London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012) and saved policy D4 of the Harrow UDP and the adopted SPD: Residential Design Guide (2010).

3) Impact upon Residential Amenity

The proposed extension would be located on the opposite side of the property from No.

95 and would not be visible from this property, given the existing single storey rear extension. It is considered that the proposal would not have an adverse impact upon the residential amenities of this property.

No other properties adjoin the subject site and all surrounding neighbouring properties are separated from the subject site by Pinner View and Woodberry Avenue. It is considered that these distances would ensure that the proposed development would not have an adverse impact on the residential amenities of surrounding properties.

As such, given the scale, siting and design of the proposed extension, it is considered that it would not have an adverse impact on the amenities of the surrounding occupiers in accordance with The London Plan (2011) policy 7.6B, saved policy D5 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

4) S17 Crime & Disorder Act 1998

It is considered that the proposed development would not adversely impact upon community safety issues and so it would comply with policy 7.3 of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

5) Parking and Traffic

Saved policies T6 and T13 of the Harrow Unitary Development Plan (2004) state that the Council should have regard to the transport impact of development and whether a proposal is likely to create significant on-street parking problems and potential highway and traffic problems.

The proposal would build over a portion of the garden, but would not impact upon the existing parking spaces on the front drive. It is therefore considered that the proposed development would not have any significant impact upon traffic and on-street parking conditions within the vicinity and accords with the above policies.

6) Consultation Responses

The majority of the concerns raised by neighbouring residents have been considered in the report above.

Comments in relation to the existing outbuilding not being shown accurately on the plans are noted; however, it has deliberately been sketched indicatively and does not form part of the proposed development within the current planning application.

It is considered that taking into consideration the existing outbuilding in the rear garden, that a suitable area of rear garden would remain and that the proposal would not constitute overdevelopment of the site in this respect.

In relation to the alleged use of No.97 Woodberry Avenue as flats, these concerns are noted but cannot be given significant weight given that these have not been proposed in this planning application. It is noted that the Council are currently investigating this alleged breach of planning control separately.

The site does not lie in a recognised Flood Zone, and no additional hard surfacing is specifically proposed within the current application.

The comments received in relation parking problems are noted; however, the application

is for an extension to a dwellinghouse and therefore these cannot be given significant weight.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above this application is recommended for grant.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing adjacent wall(s) of the building.

REASON: To safeguard the appearance of the existing property and the locality in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

3 The development hereby permitted shall be carried out only in accordance with the following approved plans: 786/1 & 786/2 Revision dated 03/03/2012

REASON: For the avoidance of doubt and in the interest of proper planning.

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The development would not have a detrimental impact on the character and appearance of the existing dwellinghouse or the surrounding locality, and would not have an unreasonable impact on neighbouring residential amenity. The development is therefore considered to be acceptable. The decision to grant permission has been taken having regard to the policies, proposals and guidance in the National Planning Policy Framework (2012), The London Plan (2011), Harrow Unitary Development Plan (2004) and Harrow Core Strategy (2012) which are set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

National

National Planning Policy Framework (2012)

Regional

The London Plan (2011): Policies 7.3B, 7.4B and 7.6B

Local

Harrow Core Strategy (2012): Core Policy CS1.B

Harrow UDP (2004): Policies D4, D5, T6 and T13

Supplementary Planning Document: Residential Design Guide (2010)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 PARTY WALL ACT:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from:
Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB
Please quote **Product code:** 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

Plan Nos: 786/1 & 786/2 Revision dated 03/03/2012

97 WOODBERRY AVENUE, HARROW



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Appeal Decision

Site visit made on 15 February 2011

by **Nigel Burrows BA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **21 March 2011**

Appeal Ref: APP/M5450/A/10/2140116

97 Woodberry Avenue, Harrow, Middlesex, HA2 6AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M A Qureshi against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1602/10, dated 16 June 2010, was refused by notice dated 24 September 2010.
 - The development proposed is a new detached dwellinghouse.
-

Decision

1. For the reasons given below, I dismiss the appeal.

Main Issues

2. Bearing in mind the Council's reasons for refusing the planning application, I consider there are two main issues in this appeal. The first is whether the development of the site would be acceptable in principle having regard to the relevant local and national planning policies concerning the provision of new housing. The second is its effect on the character and appearance of the street scene and surrounding area.

Reasons

Issue 1: Principle of Development

3. The proposal involves the erection of a detached house adjoining the existing semi-detached property situated at the junction of Woodberry Avenue and Pinner View. The main façade of the new dwelling would be orientated towards Woodberry Avenue and its stepped flanked elevation would be positioned in close proximity to the Pinner View frontage. The Council's stance is the provision of a new dwelling in the garden of the property would be an inappropriate form of development and unacceptable in principle.
4. The Council derives support for this stance from the fact that local and national planning policies indicate priority should be given to the use of previously developed land to meet future housing needs. However, the definition of previously developed land contained in Annex B of Planning Policy Statement 3 'Housing' (PPS 3), as reissued in June 2010, now specifically excludes private residential gardens. The Council also relies on 'saved' policy EP20 of the Harrow Unitary Development Plan (2004), which indicates the Council will seek to ensure that all new build development takes place on previously developed land¹. The Council argues this approach is also justified by the fact that housing completions over the next five years are expected to exceed the targets set out in the London Plan and, consequently, there is unlikely to be development pressures on 'greenfield' land within the Borough in the near future.

¹ With the exception of ancillary development necessary to support appropriate open space, Metropolitan open land and Green Belt uses

5. Be that as it may, the Council acknowledges the removal of private residential gardens from the definition of previously developed land, even in conjunction with policy EP20 of the Unitary Development Plan (UDP), does not automatically preclude development on garden land. The reissued version of PPS 3 does not rule out development on private residential gardens but it allows local planning authorities to exercise greater control over the location and type of development in their areas. The Council suggests that one approach which has been supported on appeal (in other London Boroughs) is the comprehensive development of one or more curtilages in order to secure an acceptable and efficient use of land; however, the Council argues the current proposal does not fall in this category and it constitutes a piecemeal form of development.
6. Nevertheless, the UDP policy on which the Council relies does not appear to provide any firm basis for this approach, nor does it appear to be grounded in the other policies cited by the Council. It should also be borne in mind the adoption of the UDP predates the original version of PPS 3 (issued in 2006). On the information before me, it is not entirely clear whether the Council's stance in this particular case reflects its broad policy position on how proposals affecting private residential gardens will be addressed across the Borough. As matters stand, I am not persuaded the Council has demonstrated that in planning policy terms there is an overriding objection in principle to the proposal. In any event, it is necessary to consider the proposal on its individual merits and determine whether it can be successfully assimilated into this locality.

Issue 2: Character and Appearance

7. Paragraphs 16, 46 and 48 of PPS 3 make it clear that the distinctive character of an area is an important consideration when considering the acceptability of new housing development. Proposals should be well integrated with and complement neighbouring buildings and the local area. The site lies within an area characterised by mainly two-storey detached and semi-detached houses laid out in a uniform pattern of frontage development. These properties are characteristic of inter-war suburban style housing and many of them have two storey projecting front bays under gabled roofs. Whilst the detailing of their individual facades varies, overall, they have a harmonious character.
8. This is also evident in the treatment of the corner plots in the locality. In many instances the houses were either originally built close to their flank boundaries or were later extended towards them. In any event, the general consistency in their scale and their similar architectural styles contribute to the existing sense of uniformity. There is a significant gap between the flank elevation of 97 Woodberry Avenue and the frontage to Pinner View, which provides a degree of open character at the junction. This is an important characteristic of the street scene in Pinner View and it allows an appreciation of the established pattern of frontage development to the north and south of the site.
9. Notwithstanding the relatively narrow stepped footprint of the dwelling, it would extend across the majority of the width of the plot and would appear crammed onto the site. The close proximity of the dwelling to the flank boundary means that it would intrude on the street scene in Pinner View and it would impinge to an unacceptable degree on the open character at the junction. It would be significantly closer to the road than the houses to the north and south of the site, thereby undermining the inherent spatial characteristics of the street scene. The design of the dwelling would also appear poorly proportioned and it would generally lack symmetry and balance as a result of its relatively narrow frontage, its compact hipped roof profile (which would feature a ridgeline well below that of 97 Woodberry Avenue) and also the different eaves heights on its flank elevations. The outcome would be an awkward juxtaposition of buildings of different scale and form. The dwelling would therefore fail to maintain the rhythm and continuity of the street scene and would be generally inappropriate to its context.
10. There would be little opportunity for any significant landscaping on the frontage of the dwelling or between the building and Pinner View that might help to assimilate it into the street scene. The appellant argues the frontage of 97 Woodberry Avenue is mainly hard surfaced and the amount of green space would not be diminished. However, in order to achieve sustainable residential environments landscaping should be an integral

part of new development. Overall, I conclude the proposal conflicts with the objectives of the relevant development plan policies, including D4 and D9 of the UDP which require a high standard of design and layout for all development and which seek to achieve and retain a high quality of street-side and forecourt greenery in the Borough.

11. The Council's concern to achieve high quality design is consistent with the Government's objectives for the planning system. Planning Policy Statement 1 'Delivering Sustainable Development' indicates that design which is inappropriate to its context, or which fails to take the opportunities available to improve the character and quality of an area, should not be accepted.
12. The appellant has referred to numerous examples of development on other corner plots in the locality and in the wider area. However, the examples cited do not appear to be directly comparable to the proposal in terms of its scale and design, or its particular context. In any event, it is an established principle that development should be considered on its individual planning merits. I have considered the proposal before me on this basis. Notwithstanding my findings on the first main issue, the significant harm the proposal would have on the character and appearance of the area constitutes a decisive objection to the scheme. I therefore conclude the appeal should be dismissed.
13. I have taken into account all the other matters raised in the representations, including the contribution the scheme would make to the Borough's housing provision, but I find they do not alter or outweigh the main considerations that have led to my decision.

Nigel Burrows

INSPECTOR

Item No. 2/05
Address: BENTLEY PRIORY, THE COMMON, STANMORE
Reference: P/1727/12
Description: Listed Building Consent: Amend Existing Listed Building Consent For Building 7 (Reference P/1909/12) To Add Roof To New Stair On East Elevation And Alter Proposed Internal Layout Including Relocating East Stair; Retaining East End Corridor Wall And Fitting out the Halls
Ward: Stanmore Park
Applicant: Mr Richard Winsborough
Case Officer: LUCY HAILE
Expiry Date: 19/09/2012

RECOMMENDATION

GRANT Listed Building Consent for the development described in the application and submitted plans, subject to the conditions

REASON

The decision to grant listed building consent has been taken because the proposed development would preserve the special character of the listed building and by ensuring the renovation of building 7 it would help secure the future of the principal Grade II* Listed Mansion building, and the museum proposed therein, by ensuring the feasibility of the proposed conversion of the curtilage listed building 7 to flats and therefore contributing to the long term preservation of the principal grade II* listed building. The development is therefore found to be consistent with National Planning Policy Framework, the policies and proposals in The London Plan (2011), Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2011, Harrow Core Strategy (2012) and saved policies of The London Borough of Harrow Unitary Development Plan 2004)

Impact on the Listed Building - NPPF, 7.8, CS1B and D, D11

INFORMATION

This application is reported to Committee, as it proposes amendments to a major development and concern a Grade II* listed building and therefore falls outside the thresholds set by the Schedule of Delegation for the determination of new development.

Statutory Return Type: 23

Council Interest: None

Listed Building: II*

Site Description

- The application site comprises building 7, which is part of the former RAF Bentley Priory complex, a major developed site in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character.
- Building 7 is of single storey red brick construction and is located to the west of the main mansion building. It is listed by virtue of its attachment to the main Grade II* listed mansion building.
- The building dates to the early 19th century and it complements the setting of the mansion house design which was always intended as a focal point due to its appearance as a garden building.
- Much of the interior of this building remains including plasterwork detailing and including cornicing which adds to its architectural interest and authenticity.
 - Bentley Priory has historic interest as the former home of the RAF Fighter Command centre and is also the location of a Grade II* listed building set within a Grade II listed historic park and garden, comprising a number of protected trees.
 - The mansion building has both high architectural and historic significance, incorporating designs by Sir John Soane and Robert Smirke.
 - The site lies between the urban areas of Stanmore in the south and Bushey Heath to the north. Development in the immediate vicinity of the site generally comprises detached dwellings set in a sylvan landscape.
 - To the south of the site is Bentley Priory Open Space, a designated Site of Special Scientific Interest (SSSI).
 - Operational use of the site ceased in May 2008 and planning permission and listed building consent were subsequently granted for change of use from defence establishment to provide a museum/education facility and 103 dwellinghouses with associated energy centre, car parking, landscaping and demolition of listed buildings (refs P/1452/08CFU and P/1453/08CFU).
 - This planning permission gives consent for Building 7 to be converted to 3 dwellinghouses, with the additional of a subservient first floor.
 - The site as a whole is being developed by two separate developers and works have commenced on site pursuant to the above consents.
 - City and Country Residential are carrying out the works to the Grade II* listed mansion house and surrounding land, whilst Barratt Homes North London are carrying out the new build works on the remaining site.

Proposal Details

- The application proposes to amend the approved scheme for building 7 most recently approved under Listed Building Consent reference P/1909/11 and planning permission reference P/1840/11 to convert building 7 into 5 dwellings.
- This entails adding a roof to a new stair on the east elevation and altering the proposed internal layout including relocating east stair, retaining east end corridor wall and fitting out the halls.

Revisions to Previous Application

Following the previous decision P/1909/11 and planning permission reference P/1840/11 the following amendments have been made to provide 5 dwellings within

building 7:

- Internal alterations -
- in the eastern-most house relocate the stair, retain an historic corridor wall and door and introduce a conservatory-type roof to the stair entirely contained within the footprint of the original. The entrance door would be centred on the original corridor.
- Other minor amendments to layout and detail.
- External alterations -
- Amend the east elevation to incorporate a partly more solid parapet and a hat extension above a stair approximately 3.1m x 1.1m.
- Make no changes to the existing parapet with the exception of the east elevation.

Relevant History

P/1452/08CFU and P/1453/08CFU - Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwelling (C3 class) with associated car parking, ancillary service/accommodation, energy centre, works to landscape (including open space provision, boundary fencing and removal of trees) with improved means of access to the common, and including alterations and partial demolition of the mansion house, alterations and extension of building 7. Relocation of entrance to the walled garden and demolition of other listed buildings
Granted 16-SEP-10

P/1909/11 LISTED BUILDING CONSENT: LISTED BUILDING CONSENT: INTERNAL AND EXTERNAL ALTERATIONS AND ADDITION OF FIRST FLOOR TO BUILDING 7 TO PROVIDE 5 HOUSES (2 ADDITIONAL UNITS TO PLANS APPROVED BY P/1452/08/CFU)
Granted 14/10/2011

P/1840/11 FIRST FLOOR EXTENSION TO BUILDING 7 AND CONVERSION TO 5 DWELLINGHOUSES; EXTERNAL ALTERATIONS (AMENDMENTS TO PLANNING PERMISSION P/1452/08CFU DATED 16/09/2010 TO PROVIDE 2 ADDITIONAL DWELLINGHOUSES, ENLARGEMENT OF FIRST FLOOR EXTENSION AND AMENDMENTS TO EXTERNAL ALTERATIONS)
Granted 04/11/2011

Pre-Application Discussion

- None.

Applicant Submission Documents

- Design and Access Statement

Consultations

The following groups were consulted and any responses were due by 16/08/2012:

The Georgian Group
Society for the Protection of Ancient Buildings
The Council for British Archaeology
Ancient Monuments Society
Victorian Society
Twentieth Century Society

The Stanmore Society was consulted on 9th August, 2012 and any response is due by 30th August, 2012.

Advertisement

Site notice: Extensions alterations to a listed building Expiry: 24/08/2012

Harrow Observer: expiry 23rd August, 2012

Harrow Times: expiry 23rd August, 2012

Notifications

Sent: 76

Replies: 0

Expiry: 16/08/2012

Addresses Consulted

- *Common Road:* 1-3 Hunton Cottages, 1&2 Birch Cottages, 1&2 Sussex Villas, Woodside, Cedar House, Heath End, Hollycroft, Rosedale Cottage, Myrtle Cottage, Lodge Priory Close, Tanglewood.
- *Priory Drive:* Ad Astra, Barlogan, Bentley Hyde, Dormers, Fidelio, Grammont, Green Verges, Grimsdyke Manor, Hamstede, Hornbeams, Kimbolton, Mallory, Priory Lodge, Red Roofs, Tudor Lodge, White House, Hunters Moon, Cedar Trees, Feering Croft, Pemberley, Bentley Priory Open Space.
- *Priory Close:* Turf Hills, Woolmer House, Hazlenuts.
- *Tanglewood Close:* Chestnut Cottage, Heath Lodge, Longcote, Tanglewood Cottage, 1-3 Tanglewood Lodge.
- *The Common:* Birchmoor, Broad Oaks, Cedars Lodge, Commonwood, Foresters, Gada, Grosvenor House, Heriots Wood, Highcroft, Little Manor, Rustington, The Cedars, Three Chimneys, Bentley Manor, The Chestnuts, Weatheroak

Summary of Responses

English Heritage responded on 9th August, 2012 to state they had no objections to the proposal.

APPRAISAL

MAIN CONSIDERATIONS

1) Special Interest of the Listed Building

The proposal is to amend the approved scheme for building 7 which is attached to the principal grade II* listed Bentley Priory. The approved scheme is under Listed Building Consent reference P/1453/08CFU and Planning Permission reference P/1452/08CFU and subsequently amended under Listed Building Consent reference P/1061/11 and Planning Permission reference P/1841/11. Building 7 is of single storey red brick construction and is located to the west of the main grade II* listed mansion building. It is listed by virtue of its attachment to the main Grade II* listed mansion building. The building dates to the early 19th century and it complements the setting of the mansion house design which was always intended as a focal point due to its appearance as a garden building. Much of the interior of this building remains including plasterwork detailing and including cornicing which adds to its architectural interest and authenticity. The current proposal is to alter the consented internal and external appearance of building 7 to convert the building into 5 dwellings. The acceptability of the proposed

works must be assessed against the need to preserve historic and architectural significance of the grade II* listed Bentley Priory, having particular regard to the National Planning Policy Framework, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

The National Planning Policy Framework (NPPF) paragraph 132 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Paragraph 134 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. London Plan policy 7.8 D states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Harrow Core Strategy policy CS1 part D states 'Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. Saved Harrow UDP policy D11 states that: '*The Council will ensure the protection of the borough's stock of Listed Buildings by 'only permitting alterations...that preserve the character...of the Listed Building and any features of architectural or historic interest which it possesses'.*

The proposed amendments to the internal layout including in the easternmost house relocating east stair, retaining east end corridor wall and door, introduce a conservatory-type roof to the stair entirely contained within the footprint of the original. Also fitting out the halls is proposed, along with other proposed minor changes to layout and detail. The previous proposals entailed greater removal of original historic fabric and details and therefore the current proposal is considered more appropriate as more detail would be retained. Also, new work is detailed to the standard of the original. Therefore the proposed internal changes would preserve the special character and appearance of the listed building in accordance with NPPF paragraphs 132, 134, London Plan policy 7.8 D, Harrow Core Strategy policy CS1 D and saved Harrow UDP policy D11.

The proposed external changes comprise adding a roof extension to a new stair on the east elevation measuring approximately 3.1m by 1.1m. Also, on the east elevation it is to include a partly more solid parapet. An existing modern link between the 20th century building 267 adjoining the mansion house has already been approved to be removed and therefore the current proposed amendments to the east elevation parapet will not affect original fabric or design and so are considered relatively minor. The roof extension to the new stair will be relatively small scale and neat addition and it not visible from most angles. It would not be very visible in the principal view from the south. Also, the extension would help enable the conversion of building 7 into 5 new dwellings. Therefore by ensuring the reuse of building 7 it would help secure the future of the principal grade II* Listed Mansion building, and the museum proposed therein, by ensuring the feasibility of the proposed conversion of the curtilage listed building 7 to 5 dwellings and therefore contributing to the long term preservation of the principal grade II* listed building.

A condition was added to the previous approved application reference P/1909/11 (the application that is now being amended) to request provision of detailed drawings,

specifications, or samples of materials as appropriate in respect of the following before the relevant part of the work is begun: rainwater goods, railings, windows, doors, stairway and gates and the first floor extension. Likewise, a condition was added to state that the original window to be removed from the south elevation shall be reused and retained thereafter to infill the new window opening on the proposed north elevation. Since the current proposal is simply for amendments to that approved scheme, rather than a repeat application for those changes for which these conditions relate, these conditions will not be repeated for the decision relating to this application. They still need to be cleared in accordance with the approved application P/1909/11 prior to commencement of these works. However, given the new proposed first floor roof extension it would be important that detailed drawings, specifications, or samples of materials as appropriate in respect of this are provided to the council for approval before the relevant part of the work is begun. Therefore a relevant condition is attached. Therefore the proposed external changes would preserve the character and appearance of the Listed Building in accordance with NPPF paragraphs 132, 134, London Plan policy 7.8 D, Harrow Core Strategy policy CS1 D and saved Harrow UDP policy D11.

2) Consultation Responses

English Heritage responded on 9th August, 2012 to state they had no objections to the proposal.

CONCLUSION

In summary, the amended proposal would preserve the special interest of the listed building. It is considered that the proposal complies with all relevant policies and the associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions, as set out below.

CONDITIONS

1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: DESIGN AND ACCESS STATEMENT PAGES 1-13; HERITAGE STATEMENT PAGES 1-2; 100(6); 141; 140; CC 309-7-1; 272 REV A; 273; 270 REV A; CC 309-7-2; 1243/327, CC-309-7-5 and CC 309-7-3.

REASON: For the avoidance of doubt and in the interests of proper planning.

3 All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions(s) attached to this consent.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, policy 7.8 D of the London Plan and Harrow Core Strategy policy CS1 and saved Harrow UDP policy D11.

4 Detailed drawings, specifications, or samples of materials as appropriate in respect of the following shall be agreed in writing by the local planning authority before the relevant part of the work is begun:

a) the first floor extension.

The works shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, London Plan policy 7.8 D and Harrow Core Strategy policy CS1 and saved Harrow UDP policy D11.

5) The consent hereby granted is supplemental to Listed Building Consent P/1909/11 dated 14/10/2011. Save as modified by this consent the terms and conditions of the original consent are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1 REASON FOR GRANT OF LISTED BUILDING CONSENT

The amended proposal constitutes appropriate alterations to a Listed Building. It is considered that the proposal complies with all relevant policies and the associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions. The development therefore does not have any significant detrimental impact on the Listed Building that would warrant refusal of Listed Building Consent. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision::

National Planning Policy Framework

Harrow Unitary Development Plan (2004): D11

Bentley Priory Supplementary Planning Document (2007)

2 COMPLIANCE WITH PLANNING CONDITIONS

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

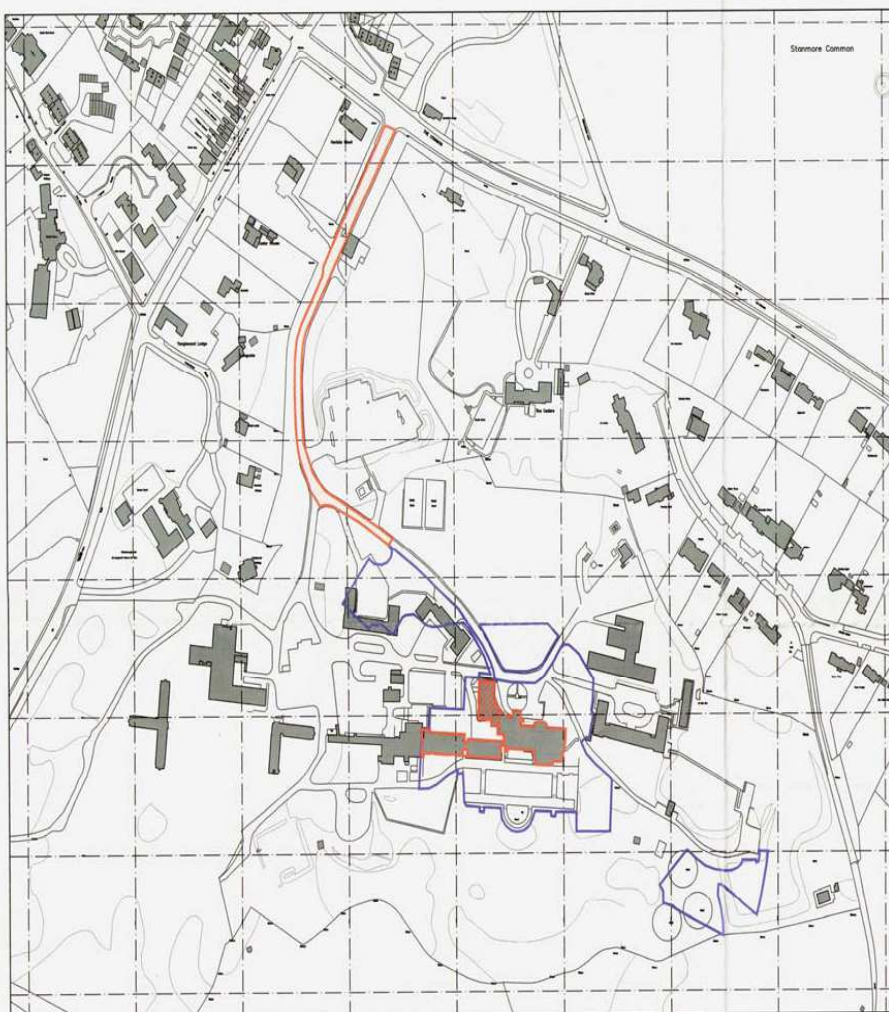
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

- Beginning development in breach of a planning condition will invalidate your planning permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: DESIGN AND ACCESS STATEMENT 1-13; HERITAGE STATEMENT PAGES 1-2; 100(6); 141; 140; CC 309-7-1; 272 REV A; 273; 270 REV A; CC 309-7-2; 1243/327; CC-309-7-5; CC 309-7-3

BENTLEY PRIORY, THE COMMON, STANMORE



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Item No. 2/06
Address: BENTLEY PRIORY, THE COMMON, STANMORE
Reference: P/1488/12
Description: Amend Listed Building Consent application reference P/1061/11 via Proposed External And Internal Alterations for Building 267 Including Relocating The Lift, Retaining The East Link Building, Reordering The Elevations, Proposed South Terrace And Installing Rooflights
Ward: Stanmore Park
Applicant: Mr Richard Winsborough
Case Officer: LUCY HAILE
Expiry Date: 27/07/2012

RECOMMENDATION

GRANT Listed Building Consent for the development described in the application and submitted plans, subject to the conditions.

REASON

The decision to grant listed building consent has been taken because the proposed development would preserve the special character of the listed building. By ensuring the renovation of building 267, it would help secure the future of the adjoining Grade II* Listed Mansion building, and the museum proposed therein, by ensuring the feasibility of the proposed conversion of part of the Mansion building and adjoining building 267 to flats and therefore contributing to the long term preservation of the listed building. The development is therefore found to be consistent with the policies and proposals in the National Planning Policy Framework, The London Plan (2011), The Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2011, Harrow Core Strategy (2012) and saved policies of The London Borough of Harrow Unitary Development Plan 2004)

Impact on the Listed Building - NPPF, 7.8, CS1B and D, D11

INFORMATION

This application is reported to Committee, as it proposes amendments to a major development and concern a Grade II* listed building and therefore falls outside the thresholds set by the Schedule of Delegation for the determination of new development.

Statutory Return Type: 23

Council Interest: None

Listed Building: II*

Site Description

- The site comprises Building 267, which is part of the former RAF Bentley Priory complex, a major developed site in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character.
- Building 267 is an attractive three storey early 20th century building and is located to the west of the main mansion building. It is listed by virtue of its attachment to the main Grade II* listed mansion building.
- The wider site has historic interest as the former home of RAF Fighter Command centre and is also set in Grade II historic park and garden. Operational use of the site ceased in May 2008.
- The list description for the grade II* listed mansion house reads:
- 'By Sir John Soane, 1789-90. Enlargement by Robert Smirke 1810-18. Entrance lobby, long drawing room and circular boudoir are probably the only parts by Soane in anything like their original condition. The external facades are quite changed by iron balconies and other C19 additions. Some fragments of older work remain. The house was, for the last year and a half of her life, the home of the Dowager Queen Adelaide, who died here in 1849. It was also the home of the Marquesses of Abercorn and Lord Aberdeen in C19. Gutted by fire 1979. Of historical interest as the headquarters of Fighter Command during the Battle of Britain and until 1968. (DRUETT, W W "Stanmore and Harrow Weald Through the Ages" 1938 pages 130 to 137; IREMONGER, Lucille "Lord Aberdeen" 1978 pages 25 and 26).'
- The existing building has great architectural and historic interest particularly for its association with the Battle of Britain and as it features work by Soane.
- It was the headquarters of Fighter Command from 1936 to 1968 and was where Lord Dowding conducted the RAF defence in the Battle of Britain in 1940. It then became an administrative and training centre.
- Operational use of the site ceased in May 2008 and Listed Building Consent and Planning Permission was subsequently granted for change of use from defence establishment to provide a museum/education facility and 103 dwellinghouses with associated energy centre, car parking, landscaping and demolition of listed buildings (references P/1452/08CFU and P/1453/08CFU).
- This approval was subsequently amended under the recently approved application for Planning Permission (reference: P/0105/11) and Listed Building Consent (reference: P/0104/11) which amended the internal layout to the grade II* listed Bentley Priory resulting in some external alterations as well.
- The original Planning and Listed Building Consent applications approved the demolition of building 267. Application references P/1061/11 and P/1841/11 sought to retain the building but convert and alter it which was approved.
- This application concerns building 267 and seeks to amend the approved proposed interior and exterior of the building.
- The site as a whole is being developed by two separate developers and works have commenced on site pursuant to the above consents.
- City and Country Residential are carrying out the works to the Grade II* listed mansion house and surrounding land, whilst Barratt Homes North London are carrying out the new build works on the remaining site.

Proposal Details

- The application proposes external and internal alterations to building 267 which is the relatively modern building adjoining Bentley Priory.
- The proposed alterations include relocating the lift, retaining the east link building, reordering the elevations, a proposed south terrace and installing rooflights.

Revisions to Previous Application

Following the previous planning and listed building consent decisions (P/1061/11 and P/1841/11 the following amendments have been made:

- Fenestration alterations -
- conservation rooflights proposed to all elevations being traditional rooflights on the north and south elevations (two more than approved on the south elevation and reordered on the south elevation) and modern linked triangular flush skylights to the side roof elevations
- No French doors are now proposed to the first floor, instead the windows are lengthened
- re-ordering of windows to the north elevation to make the elevation more symmetrical.
- All windows to have larger panes than previously consented.
- First floor windows to have cornice above.
- Other external alterations -
- additional pilasters to the garden front giving 5 bays rather than 4 to centre the composition
- a single central balcony on the front elevation in lieu of juliet balconies previously proposed
- remodel the existing cornice
- small south terrace with low balustrade
- Proposal to limewash the building.
- Retain the two storey link block to the main Grade II* listed mansion house rather than demolish it as previously proposed
- Internal alterations
- Amendments to the approved layout of the flat conversion. The implications of this would be for flat 7 to be located entirely over the roofspace floor and the lift shaft location would also be amended.

Relevant History

P/1452/08CFU and P/1453/08CFU - Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwelling (C3 class) with associated car parking, ancillary service/accommodation, energy centre, works to landscape (including open space provision, boundary fencing and removal of trees) with improved means of access to the common, and including alterations and partial demolition of the mansion house, alterations and extension of building 7. Relocation of entrance to the walled garden and demolition of other listed buildings
Granted 16-SEP-10

P/0104/11 & P/0105/11 - Variation of condition 26 (approved plans) attached to planning permission P/1452/08CFU dated 16/09/2010 to allow modifications to the external appearance and internal layout of the approved development which result in the creation of two additional residential units within the main mansion house

building
Granted 20-JUL-11

P/1061/11 - Listed Building Consent: REMOVAL OF PARTS OF THE CURTILAGE LISTED BUILDING ABUTTING THE ORANGERY AND MAIN BENTLEY PRIORY BUILDING AND ASSOCIATED MAKING GOOD. EXTERNAL ALTERATIONS INCLUDING MODIFICATIONS TO EXISTING WINDOW OPENINGS AND INTERNAL ALTERATIONS

Granted : 14th October, 2011

P/1841/11 - PART DEMOLITION AND CONVERSION OF BUILDING 267 TO 7 FLATS; EXTERNAL ALTERATIONS TO FENESTRATION AND INSERTION OF ROOFLIGHTS (AMENDMENTS TO PLANNING PERMISSION P/1452/08CFU DATED 16/09/2010 TO RETAIN THE BUILDING INSTEAD OF REPLACING THE BUILDING WITH 3 NEW DWELLINGHOUSES)

Granted 14th October, 2011

P/1907/12 - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION P/1841/11 DATED 14/10/2011 TO AMEND INTERNAL LAYOUT CHANGES INCLUDING LOCATION OF LIFT AND RETENTION OF HISTORIC LINK

Approved: 06/08/12

Pre-Application Discussion

- N/A

Applicant Submission Documents

- Design and Access Statement

Consultations

The following groups were consulted and any responses were due by 03/07/2012:

Stanmore Society
The Georgian Group
Society for the Protection of Ancient Buildings
The Council for British Archaeology
Ancient Monuments Society
Victorian Society
Hatch End Association
Twentieth Century Society

Advertisement

Site notice: Extensions alterations to a listed building Expiry: 30/07/2012

Harrow Observer: expiry 5th July, 2012

Harrow Times: expiry 5th July, 2012

Notifications

Sent: 76

Replies: 0

Expiry: 03/07/2012

Addresses Consulted

- *Common Road*: 1-3 Hunton Cottages, 1&2 Birch Cottages, 1&2 Sussex Villas, Woodside, Cedar House, Heath End, Hollycroft, Rosedale Cottage, Myrtle Cottage, Lodge Priory Close, Tanglewood.
- *Priory Drive*: Ad Astra, Barlogan, Bentley Hyde, Dormers, Fidelio, Grammont, Green Verges, Grimsdyke Manor, Hamstede, Hornbeams, Kimbolton, Mallory, Priory Lodge, Red Roofs, Tudor Lodge, White House, Hunters Moon, Cedar Trees, Feering Croft, Pemberley, Bentley Priory Open Space.
- *Priory Close*: Turf Hills, Woolmer House, Hazlenuts.
- *Tanglewood Close*: Chestnut Cottage, Heath Lodge, Longcote, Tanglewood Cottage, 1-3 Tanglewood Lodge.
- *The Common*: Birchmoor, Broad Oaks, Cedars Lodge, Commonwood, Foresters, Gada, Grosvenor House, Heriots Wood, Highcroft, Little Manor, Rustington, The Cedars, Three Chimneys, Bentley Manor, The Chestnuts, Weatheroak

Summary of Responses

English Heritage responded on 2nd July 2012 to state 'You are hereby authorised to determine the application for Listed Building Consent as you think fit. In doing so English Heritage would stress that it is not expressing any views on the merits of the proposals which are the subject of the application'.

APPRAISAL

MAIN CONSIDERATIONS

1) Special Interest of the Listed Building

The proposal is to amend the approved scheme for building 267 which is attached to the principal grade II* listed Bentley Priory. The approved scheme is under Listed Building Consent reference P/1453/08CFU and Planning Permission reference P/1452/08CFU and subsequently amended under Listed Building Consent reference P/1061/11 and Planning Permission reference P/1841/11. Building 267 is an early 20th century building that forms part of the history of the Bentley Priory site and its architectural design relates well as a secondary element to the principal Grade II* listed building. The current proposal is to alter the consented internal and external appearance of building 267 which is attached to the main mansion house. The acceptability of the proposed works must be assessed against the need to preserve historic and architectural significance of the grade II* listed Bentley Priory, having particular regard to the National Planning Policy Framework, Policy 7.8 of the London Plan, Harrow Core Strategy policy CS1D, and saved Harrow UDP policy D11.

The National Planning Policy Framework (NPPF) paragraph 132 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Paragraph 134 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal'. London Plan policy 7.8 D states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Harrow Core Strategy policy CS1 part D states 'Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. Saved Harrow UDP policy D11 states that: *'The Council will ensure the protection of the borough's stock of Listed Buildings by 'only permitting alterations...that preserve the character...of the Listed Building and any features of architectural or historic interest which it possesses'*.

The proposed external alterations to the building would create a somewhat grander and more formal building and would cause some loss of the institutional character associated with this relatively modern 20th century building as part of the Bentley Priory site which is secondary to the grade II* listed mansion house. This is due to the proposed fenestration alterations and other external alterations including the introduction of more pilasters, a central balcony, remodeling the cornice. However, the proposed alterations would still ensure the building appears secondary to the principal grade II* listed mansion house and still retains something of its institutional character. They would link the building in with the principal grade II* listed building. It would be important for the details of the proposed balcony to be provided to ensure the detailing and finishing was appropriate and for details of revised windows to be in keeping. Relevant conditions are therefore recommended. Similarly, it would be important that all rooflights are flush with the roofslope to ensure that these are as unobtrusive as possible. A relevant condition is therefore recommended. It is important that the proposed new terrace would be in keeping with the setting of the listed building and therefore relevant conditions are recommended. On balance, the proposed alterations would preserve the character and special interest of the listed building in accordance with NPPF paragraphs 132, 134, policy 7.8 D of the London Plan, Harrow Core Strategy policy CS1 D and saved Harrow UDP policy D11.

There is also a proposal to retain the two storey link block to the main Grade II* listed mansion house rather than demolish it as previously proposed. This is considered acceptable since this would be less intrusive than the previous proposal to demolish this as it would result in less disturbance to the built fabric of the listed building. There are no concerns relating to the proposed internal alterations to this building since this is not considered of special architectural or historic interest. There is an approved scheme in place for the demolition and replacement of building 267 under references P/1453/08CFU and P/1452/08CFU. The proposed alterations would again preserve the character and special interest of the listed building in accordance with NPPF paragraphs 132, 134, policy 7.8 D of the London Plan, Harrow Core Strategy policy CS1 D and saved Harrow UDP policy D11.

2) Consultation responses

English Heritage responded on 2nd July 2012 to state the Council is authorised to determine the application for Listed Building Consent as they think fit.

CONCLUSION

In summary, the amended proposal would preserve the special interest of the listed building. It is considered that the proposal complies with all relevant policies and the associated impacts that could arise from the development would be adequately

ameliorated through the use of appropriate planning conditions, as set out below.

CONDITIONS

1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: CC309/267/G3; CC309/267/G4; 100 (5); Building 267 Heritage Statement pages 1-11; CC309/267/G2; CC309/267/G1 REV A; CC309/267/D1; CC309/267/D2; 125 REV A; 124 REV A; 122 REV A; 121 REV A; 120 REV A.

REASON: For the avoidance of doubt and in the interests of proper planning.

3 All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions(s) attached to this consent.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, policy 7.8 D of the London Plan and Harrow Core Strategy policy CS1 D and saved Harrow UDP policy D11.

4 Details for the proposed Juliet balcony including its finish on the south elevation shall be provided to the Council for approval in writing prior to its installation.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, policy 7.8 D of the London Plan and Harrow Core Strategy policy CS1 B and D and saved Harrow UDP policy D11.

5 Details for the proposed floor material for the south terrace shall be provided to the council and approved in writing prior to its installation.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, London Plan policy 7.8 D and Harrow Core Strategy policy CS1 B and D and saved Harrow UDP policy D11.

6 All rooflights should be flush with the roof slope.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, London Plan policy 7.8 D and Harrow Core Strategy policy CS1 B and D and saved Harrow UDP policy D11.

7 Details of the windows to be used shall be provided to the Council for approval in writing before the works hereby permitted commence on site, and installed and retained thereafter.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, London Plan policy 7.8 part D and Harrow Core Strategy policy CS1 and saved Harrow UDP policy D11.

8 The consent hereby granted is supplemental to Listed Building Consent P/1061/11 dated 14/10/2011 save as modified by this consent the terms and conditions of the original consent are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1 REASON FOR GRANT OF LISTED BUILDING CONSENT

The amended proposal constitutes appropriate alterations to a Listed Building. It is considered that the proposal complies with all relevant policies and the associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions. The development therefore does not have any significant detrimental impact on the Listed Building that would warrant refusal of Listed Building Consent. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision::

National Planning Policy Framework

Harrow Unitary Development Plan (2004): D11

Bentley Priory Supplementary Planning Document (2007)

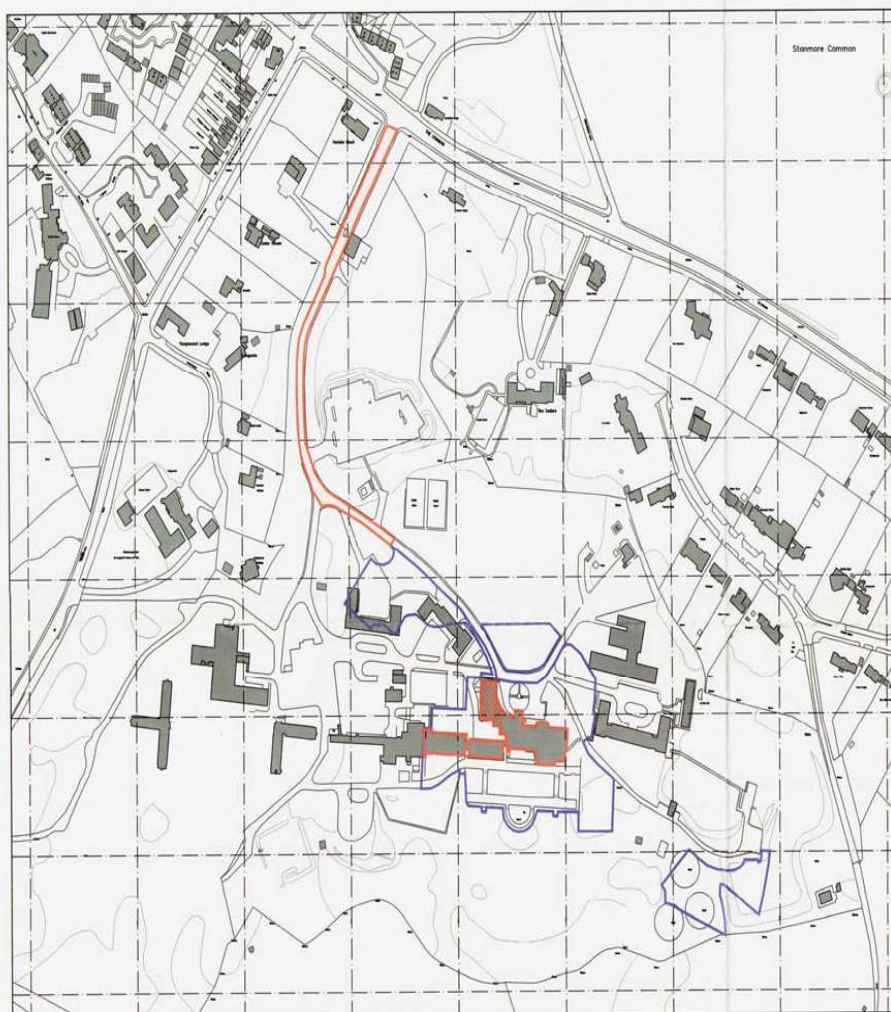
2 COMPLIANCE WITH PLANNING CONDITIONS

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: CC309/267/G3; CC309/267/G4; 100 (5); Building 267 Heritage Statement pages 1-11; CC309/267/G2; CC309/267/G1 REV A; CC309/267/D1; CC309/267/D2; 125 REV A; 124 REV A; 122 REV A; 121 REV A; 120 REV A.

BENTLEY PRIORY, THE COMMON, STANMORE



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Item No. 2/07
Address: BENTLEY PRIORY, THE COMMON, STANMORE
Reference: P/1686/12
Description: Listed Building Consent: Amend Existing Listed Building Consents P/1453/08 And P/1059/11 for the Dining Room Block To Alter Exterior And Interior Including Re-Ordering South Elevation; Amendments To West And North Elevations; Minor Amendments To Plans.
Ward: Stanmore Park
Applicant: Mr Burnard Winsborough
Case Officer: LUCY HAILE
Expiry Date: 29/08/2012

RECOMMENDATION

GRANT Listed Building Consent for the development described in the application and submitted plans, subject to the conditions.

REASON

The decision to grant listed building consent has been taken, because the proposed development would preserve the special character of the Grade II* Listed Mansion building, and the museum proposed therein, by ensuring the feasibility of the proposed conversion of part of the Mansion building to flats and therefore contributing to the long term preservation of the listed building. The development is therefore found to be consistent with National Planning Policy Framework, the policies and proposals in National Planning Policy Framework, The London Plan (2011), The Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report

MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2011 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)

Impact on the Listed Building - NPPF, 7.8, CS1B and D, D11

INFORMATION

This application is reported to Committee, as it proposes amendments to a major development and concern a Grade II* listed building and therefore falls outside the thresholds set by the Schedule of Delegation for the determination of new development.

Statutory Return Type: 23

Council Interest: None

Listed Building: II*

Site Description

- The application site comprises the Dining Room Block, which is part of the former RAF Bentley Priory complex, a major developed site in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character.
- The Dining Room Block is single storey and is connected to the north west of the main mansion building. It is listed by virtue of its attachment to the main Grade II* listed mansion building.
- The Dining Room Block is of lesser historical and architectural significance compared to the main mansion building, but is within the setting of the main north elevation of the mansion, being visible in key views of the Grade II* listed building.
- Bentley Priory has historic interest as the former home of the RAF Fighter Command centre and is also set within a Grade II listed historic park and garden, comprising a number of protected trees.
- The mansion building has both high architectural and historic significance, incorporating designs by Sir John Soane and Robert Smirke.
- The site lies between the urban areas of Stanmore in the south and Bushey Heath to the north and development in the immediate vicinity of the site generally comprises detached dwellings set in a sylvan landscape.
- To the south of the site is Bentley Priory Open Space, a designated Site of Special Scientific Interest (SSSI).
- Operational use of the site ceased in May 2008 and planning permission and listed building consent was subsequently granted for change of use from defence establishment to provide a museum/education facility and 103 dwellinghouses with associated energy centre, car parking, landscaping and demolition of listed buildings (refs P/1452/08CFU and P/1453/08CFU).
- This planning permission gives consent for the Dining Room Block to be converted to 1 flat.
- The proposed residential units within the dining room block at Bentley Priory were amended under planning permission reference P/184211 and listed building consent P/1059/11.
- The site as a whole is being developed by two separate developers and works have commenced on site pursuant to the above consents.
- City and Country Residential are carrying out the works to the Grade II* listed mansion house and surrounding land, whilst Barratt Homes North London are carrying out the new build works on the remaining site.

Proposal Details

- The application proposes internal and external alterations to the approved scheme for the residential units within the dining room block at Bentley Priory (ref planning permission P/184211 and listed building consent P/1059/11).

Revisions to Previous Application

Following the previous decision (ref planning permission P/184211 and listed building consent P/1059/11) the following amendments have been made:

- External
- On the south elevation insert a pair of windows on the eastern most side, insert doorcases to both doors, amend the design of the entranceway to the car park underneath to have a square arched top, and amend blind window to grille on the ground floor.

- On the north elevation insert a porch with arch with square impostes and key instead of a simple door and change the proposed blind window on the first floor to a window.
- On the west elevation on the ground floor change the louvred vent openings to car park grilles and change the design of the gate.
- Internal
- Minor amendments to halls, stairs and room layouts.
- Insert lantern lights and metal flue on the flat roof well behind the parapets.

Relevant History

P/1452/08CFU and P/1453/08CFU - Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwelling (C3 class) with associated car parking, ancillary service/accommodation, energy centre, works to landscape (including open space provision, boundary fencing and removal of trees) with improved means of access to the common, and including alterations and partial demolition of the mansion house, alterations and extension of building 7. Relocation of entrance to the walled garden and demolition of other listed buildings
Granted 16-SEP-10

P/0104/11 & P/0105/11 - Variation of condition 26 (approved plans) attached to planning permission P/1452/08CFU dated 16/09/2010 to allow modifications to the external appearance and internal layout of the approved development which result in the creation of two additional residential units within the main mansion house building
Granted 20-JUL-11

P/184211 - CONVERSION OF DINING ROOM BLOCK TO 4 FLATS WITH BASEMENT PARKING; EXTERNAL ALTERATIONS (AMENDMENTS TO PLANNING PERMISSION P/1452/08CFU DATED 16/09/2010 TO PROVIDE 3 ADDITIONAL FLATS, ADDITION OF BASEMENT PARKING AND AMENDMENTS TO EXTERNAL ALTERATIONS)
Granted - 14/10/2011

P/1059/11 - LISTED BUILDING CONSENT: AMENDMENT OF INTERNAL ARRANGEMENTS AND FENESTRATION TO THE DINING ROOM BLOCK WHICH WILL RESULT IN MODIFICATIONS TO THE PROPOSALS COVERED BY THE EXISTING CONSENT (OUR REF: P/1453/08)
Granted -14/10/2011

Pre-Application Discussion (Ref.)

- None.

Applicant Submission Documents

- Design and Access Statement

Consultations

The following groups were consulted and any responses were due by 13/08/2012:

The Georgian Group
Society for the Protection of Ancient Buildings
The Council for British Archaeology
Ancient Monuments Society
Victorian Society

Advertisement

Site notice: Extensions alterations to a listed building Expiry: 24/08/2012

Harrow Observer: expiry 16/08/2012

Harrow Times: expiry 16/08/2012

Notifications

Sent: 76

Replies: 0

Expiry: 13/08/2012

Addresses Consulted

- *Common Road*: 1-3 Hunton Cottages, 1&2 Birch Cottages, 1&2 Sussex Villas, Woodside, Cedar House, Heath End, Hollycroft, Rosedale Cottage, Myrtle Cottage, Lodge Priory Close, Tanglewood.
- *Priory Drive*: Ad Astra, Barlogan, Bentley Hyde, Dormers, Fidelio, Grammont, Green Verges, Grimsdyke Manor, Hamstede, Hornbeams, Kimbolton, Mallory, Priory Lodge, Red Roofs, Tudor Lodge, White House, Hunters Moon, Cedar Trees, Feering Croft, Pemberley, Bentley Priory Open Space.
- *Priory Close*: Turf Hills, Woolmer House, Hazlenuts.
- *Tanglewood Close*: Chestnut Cottage, Heath Lodge, Longcote, Tanglewood Cottage, 1-3 Tanglewood Lodge.
- *The Common*: Birchmoor, Broad Oaks, Cedars Lodge, Commonwood, Foresters, Gada, Grosvenor House, Heriots Wood, Highcroft, Little Manor, Rustington, The Cedars, Three Chimneys, Bentley Manor, The Chestnuts, Weatheroak

Summary of Responses

The Stanmore Society responded on 5th August, 2012 to state 'The Committee had no objections to this Application subject to Conditions; this a minor amendment to the 1882 Dining Room block and it was felt that, if anything, it would be an enhancement over the approved scheme'.

English Heritage responded on 9th August, 2012 to state 'This application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice'.

APPRAISAL

MAIN CONSIDERATIONS

1) Special Interest of the Listed Building

The proposal is to amend the approved scheme for the Dining Room Block which is single storey and is connected to the north west of the main mansion building. It is listed by virtue of its attachment to the main Grade II* listed mansion building. The Dining Room Block is of lesser historical and architectural significance compared to the main mansion building, but is within the setting of the main north elevation of the mansion,

being visible in key views of the Grade II* listed building.. The approved scheme is under Listed Building Consent reference P/1453/08CFU and Planning Permission reference P/1452/08CFU and subsequently amended under Listed Building Consent reference P/184211 and Planning Permission reference P/1059/11. The current proposal is to alter the consented internal and external appearance of the dining room block. The acceptability of the proposed works must be assessed against the need to preserve historic and architectural significance of the grade II* listed Bentley Priory, having particular regard to the National Planning Policy Framework, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and saved Harrow UDP policy D11.

The National Planning Policy Framework (NPPF) paragraph 132 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Paragraph 134 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. London Plan policy 7.8 D states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Harrow Core Strategy policy CS1 part D states 'Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. Saved Harrow UDP policy D11 states that: '*The Council will ensure the protection of the borough's stock of Listed Buildings by 'only permitting alterations...that preserve the character...of the Listed Building and any features of architectural or historic interest which it possesses'*'.

Following the previous decision (ref planning permission P/184211 and listed building consent P/1059/11) the following proposed external amendments have been made. On the south elevation insert a pair of windows on the eastern most side, insert doorcases to both doors, amend the design of the entranceway to the car park underneath to have a square arched top, and amend blind window to grille on the ground floor. On the north elevation insert a porch with arch with square imposts and key instead of a simple door and change the proposed blind window on the first floor to a window. On the west elevation ground floor change the louvred vent openings to car park grilles and change the design of the gate.

The relatively austere institutional character of the former Dining Room Block helps to preserve the character of the Grade II* listed Bentley Priory building since it helps ensure that the main entrance block remains the focal point. Compared to the previously approved scheme, the current proposed external alterations to windows would somewhat alter the institutional character of the dining room block. This is due to the more symmetrical and formal layout of the fenestration and the increased amount of openings compared to the approved scheme. Nevertheless, the proposed window alterations would, subject to a condition for the north elevation, on balance, preserve the character and appearance of the Listed Building in line with National Planning Policy Framework, London Plan policy 7.8, Harrow Core Strategy policy CS1 D, and saved Harrow UDP policy D11. It would enable conversion of this part of the building to residential accommodation therefore contributing to the long term preservation of the listed building. For the proposed first floor windows approved under Listed Building Consent reference P/1059/11) internal shutters were conditioned to lessen the domestic character of the

proposed windows. Similarly therefore, a condition is recommended for the current proposed central window on the first floor north elevation. A condition is also recommended for the sash windows to ensure that these are in keeping with the existing on the listed building.

The proposed front porch with arch would be more in keeping with the institutional character than the previously approved door in this location and therefore this is appropriate. The proposal on the ground floor to change the louvred vent openings to car park grilles would be an improvement as these would appear more like the sash windows above. Suitable details have been provided. The proposal to change the design of the gates would have little impact upon character or appearance. To ensure the design was appropriate however, a suitable condition is recommended. The proposal to insert lantern lights and metal flue on the flat roof well behind the parapets would preserve the special character of the listed building since these would be almost wholly concealed from view. A condition is recommended that the metal flue is painted black and retained as such, whilst the timber to the lantern lights be painted white and retained as such in order to ensure these are subtle additions and preserve the special interest of the listed building.

The proposed minor changes to internal layout would have little impact upon the special interest of the listed building as much historic fabric in these areas has already been altered or removed. Therefore it is considered that this aspect of the proposal would preserve the special interest of the listed building. Therefore, on balance, the proposed alterations would preserve the character and special interest of the listed building in accordance with NPPF paragraphs 132, 134, policy 7.8 D of the London Plan, Harrow Core Strategy policy CS1 part D and saved Harrow UDP policy D11.

2) Consultation Responses

These are addressed in report above.

CONCLUSION

In summary, the amended proposal would preserve the special interest of the listed building. It is considered that the proposal complies with all relevant policies and the associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions, as set out below.

CONDITIONS

1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

1243/27 REV B; OPEN GRILLE WINDOW DETAIL; CC309/DR6 REV A; CC 309 –DR5; 100(4); CC 309 DR.3; CC309 /DR-3; CC 309/DR-4; HERITAGE STATEMENT PAGES 1-2; DESIGN AND ACCESS STATEMENT PAGES 1-17; 102; 103;127; 128

REASON: For the avoidance of doubt and in the interests of proper planning.

3 All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions(s) attached to this

consent.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, policy 7.8 D of the London Plan and Harrow Core Strategy policy CS1 and saved Harrow UDP policy D11.

4 Details of internal shutters that are to be installed to the central first floor north elevation window shall be provided to the Council for approval in writing, in consultation with English Heritage, and installed and retained thereafter in accordance with the approved details, prior to the occupation of the former dining room block.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, policy 7.8 D of the London Plan and Harrow Core Strategy policy CS1 and saved Harrow UDP policy D11.

5 The proposed timber to the lantern lights shall be painted white and retained as such.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, policy 7.8 D of the London Plan and Harrow Core Strategy policy CS1 and saved Harrow UDP policy D11.

6 The proposed metal flue shall be painted black and retained as such.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, policy 7.8 D of the London Plan and Harrow Core Strategy policy CS1 and saved Harrow UDP policy D11.

7 Detailed drawings, specifications, or samples of materials as appropriate in respect of the following shall be agreed in writing by the local planning authority before the relevant part of the work is begun:

a) windows

b) gates including vehicular entrance doors

The works shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of National Planning Policy Framework, policy 7.8 D of the London Plan and Harrow Core Strategy policy CS1 and saved Harrow UDP policy D11.

8 The consent hereby granted is supplemental to Listed Building Consent P/1059/11 dated 14/10/2011 save as modified by this consent the terms and conditions of the original consent are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1 REASON FOR GRANT OF LISTED BUILDING CONSENT

The amended proposal constitutes appropriate alterations to a Listed Building. It is considered that the proposal complies with all relevant policies and the associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions. The development therefore does not have any significant detrimental impact on the Listed Building that would warrant refusal of Listed Building Consent. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

The following policies in The London Plan and-or the Harrow Unitary Development Plan

are relevant to this decision::
National Planning Policy Framework
Harrow Unitary Development Plan (2004): D11
Bentley Priory Supplementary Planning Document (2007)

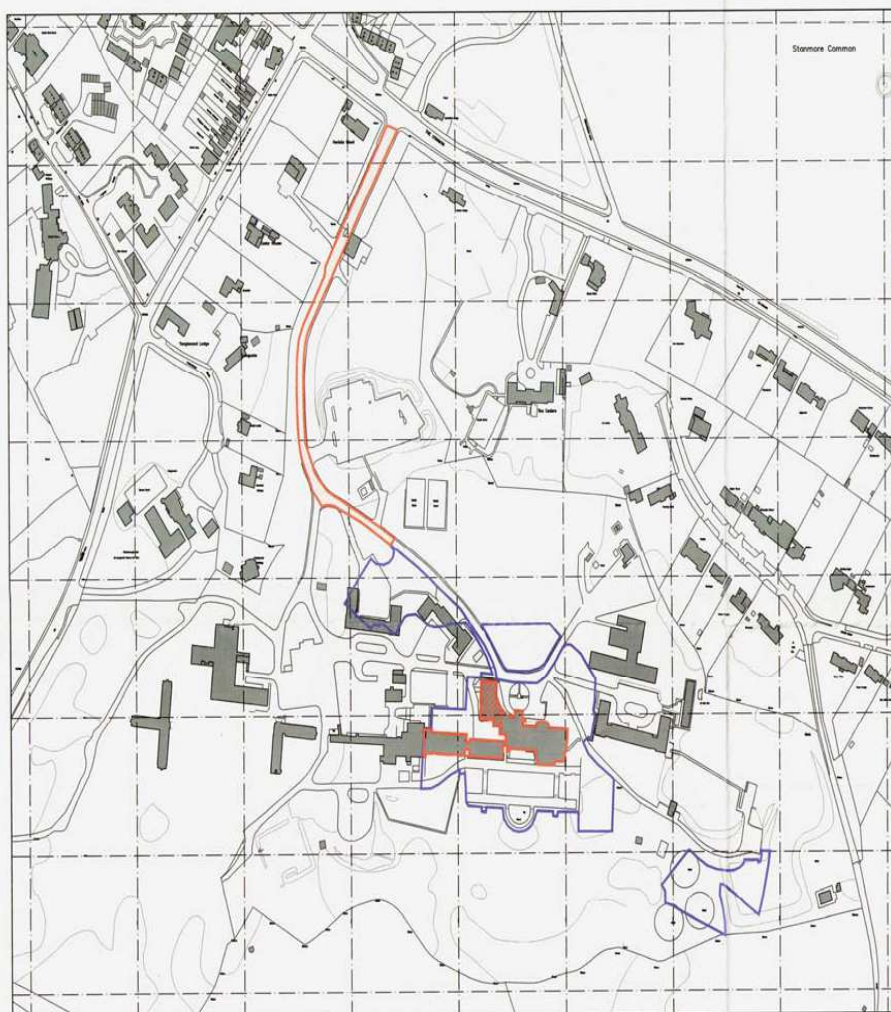
2 COMPLIANCE WITH PLANNING CONDITIONS

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: 1243/27 REV B; OPEN GRILLE WINDOW DETAIL; CC309/DR 6 REV A; CC 309 –DR5; 100(4); CC 309 DR.3; CC309 /DR-3; CC 309/DR-4; HERITAGE STATEMENT PAGES 1-2; DESIGN AND ACCESS STATEMENT PAGES 1-17; 102; 103;127; 128

BENTLEY PRIORY, THE COMMON, STANMORE



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Item No: 2/08

Address: THE CROFT PLAYING FIELDS, CANNONBURY AVENUE,
PINNER

Reference: P/0632/12

Description: CHANGE OF USE OF SPORTS PAVILION TO CHILDRENS
NURSERY WITH EXTERNAL ALTERATIONS (CLASS D2 TO
CLASS D1)

Ward: Pinner South

Applicant: Mr A Panjwani

Agent: Span Technical Limited

Case Officer: CIARAN REGAN

Expiry Date: 21/05/2012

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, **subject to** referral to the National Unit for Land Acquisition and Disposal not objecting to the approval of this application and planning conditions (as the site is on land owned by the local authority). The decision to grant permission has been taken on the basis that the use of the sports pavilion building as a children's nursery for at least five years would bring an empty, unused community facility back into use and in so doing would create a valuable active presence within The Croft during weekdays which is likely to enhance perceptions of it as a safe, well-used place and which, in turn, may lead to increased usage by the local community. It would not encroach upon the protected open space and/or compromise the continued use of The Croft Playing Field for casual recreation activities including acting as an informal training facility for local underage association football teams. Subject to conditions, it would not result in any undue harm to the character and appearance of the area or neighbouring residential amenity and would not exacerbate parking congestion or cause harm to highway safety or the free flow of traffic in the area but rather it would enhance community safety and perceptions of The Croft as a safe place. The application is therefore considered to be consistent with national planning policies the National Planning Policy Framework (2012), The London Plan (2011), Harrow Core Strategy (2012), Harrow Unitary Development Plan (2004), the Harrow Open Space, Sport and Recreation Study (2010) and the draft Harrow Outdoor Sports Strategy (2012), as well as to all relevant material considerations including any responses to consultation.

INFORMATION:

This application is reported to Planning Committee as the subject site is owned by the Council and is over 100sqm in area. As such, it falls outside the scope of the exception criteria set out at Part 1(h) of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type:	20 – Change of Use
Council Interest:	Harrow Council is the Freeholder
Site Area:	500sqm (0.05ha)
Gross Proposed Internal Floorspace:	N/A
Existing Gross Internal Floorspace:	N/A
Net Additional Floorspace:	N/A
GLA Community Infrastructure (CIL) Contribution:	None

Site Description

- The Croft is 4.36 hectares of open space located between Eastcote and Pinner. It has entrances from Cannonbury Avenue and Glover Road.
- The park has a children's play area, a basketball practice area and grassed areas either side of the central footpath for football.
- The pavilion is sited in the centre of the park next to the children's play area. It is currently unusable as it has been made secure and been fenced off from the rest of the park by the Council. It is a single-storey building with a flat roof and a cold water tank set within a box shaped enclosure in the middle of the roof.
- The Croft is designated as protected Public Open Space in the Core Strategy.

Brief History

On 17th March 2005 Cabinet approved a report proposing the disposal by way of lease of six pavilions in the borough. These buildings were underused and in a poor state of repair. The Council wanted to increase their use and also the parks in which they were located.

The pavilion at The Croft was fire damaged by vandals in October 2002. The building had previously been well used by both senior and youth football clubs. The Council refurbished the exterior of the property with a secure roofing system and replacement windows, grills and doors. The interior of the building still needs complete renovation.

This property was not considered in the Cabinet report since it was currently being refurbished. However with the external work completed it was believed that it would be better value for money to secure a partner to complete the work. Furthermore by seeking an occupier now the internal layout could be altered to meet their and the Council's requirements. A Portfolio Holder report seeking a resolution to allow the pavilion to be let on the open market was approved on this basis by the previous administration.

Proposal Details

- The application proposes to establish a nursery for toddlers and young children up to 5 years of age, operating between 8:00am and 6:00pm, Monday to Friday. It would therefore not be open on weekends or on Bank Holidays.
- The nursery would care for up to a maximum of 40 children at any time.

Revisions to previous application

- N/A

Relevant History

- None

Pre-Application Discussion

- Pre-application case ref. no. HA\2011\ENQ\00217 refers. The following advice was

given:

- Need to provide evidence to demonstrate that the pavilion is surplus to requirements as a sports facility.
- Sport England will be consulted as they are a statutory consultee for such proposals.
- The proposed operating hours are contradictory and should be clarified prior to submission of an application.
- A full, comprehensive sustainable travel plan should be provided.
- Need to address how the development would mitigate crime and the fear of crime.
- Any proposed lighting scheme should aim to find an appropriate balance between providing adequate security for the development and its immediate environs and minimising light spillage/pollution and undue intrusion into neighbouring residential properties around the playing field.
- Health and Safety – In view of the proposed use of the building as a children's day nursery – you may wish to give due attention to the possibility of branches breaking and falling from the large tree in the south east corner of the fenced off area
- Separate advertisement consent will be needed for any associated signage.

Applicant Submission Documents

- A Design and Access Statement has been submitted. The key points include:
- The proposed use would take advantage of this central location and its proximity to residential housing and families with young children.
- The building lends itself well to the proposed nursery school use. The rooms will be large and well ventilated.
- The layout provides 3 large rooms to cater for the 3 age groups, a staff room, an office, ladies and gents WCs, a cleaning and laundry room, a kitchen and an external play area.
- There is no intention of incorporating extensions to the building.
- The building has sufficient space for storing bicycles for working staff. All staff will be sourced locally as will services and other supplies. Staff will be encouraged to use public transport and to cycle to work.
- There will be no associated landscaping treatment.
- There are no major proposed changes to the elevations other than incorporating new windows for added natural light and ventilation.
- The pedestrian paths from Cannonbury Avenue and Glover Road will be well lit, if necessary, during times for secured access for children and parents. The pick up and drop off of children will be staggered for parents arriving by car which will mitigate parking congestion on the two access roads.
- Predominantly, children from the local community living within walking distances will be given preference for registration so as to avoid the excessive parking of vehicles on nearby roads.

Consultations

Sport England:

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.”

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The proposed development involves the change of use of a Sports Pavilion to a Children’s Nursery located at The Croft Playing Field.

The conversion of the sports pavilion to a children’s nursery use would result in the permanent loss of ancillary facilities that supported The Croft Playing Field. On-site pavilions are essential ancillary facilities to support the use of playing field sites, particularly if such sites are used by sports clubs or educational institutions. A pavilion provides facilities which directly support the principal use of a site as a playing field.

Sport England has consulted the relevant sports bodies in relation to the proposals and the FA have confirmed that football clubs used to play at the site but following the pavilion being vandalised a few years ago and Harrow Council subsequently fencing off the block, they no longer do. This is due to football league requirements of changing/toilet facility provision.

Saved policy C10 (Community Buildings and Places of Worship) within the Harrow Unitary Development Plan (July 2004) states that ‘the Council will seek to maintain and retain existing premises used by community or religious groups in the Borough. In addition, Policy 49 Community and Education Facilities within the Council’s draft Development Management DPD (May 2011) states that ‘the Council shall protect existing community and education facilities and resist the change of use involving the loss of a community or education facility unless: The applicant is able to demonstrate that there is no longer a need for that facility; where there are sufficient similar facilities nearby; and it can be relocated elsewhere within the Borough, if there is no longer a justified demand for that facility.’

In light of the above, Sport England OBJECTS to the proposal because it is not considered to accord with any of the exceptions in Sport England’s playing fields policy.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Unit for Land Acquisition and Disposal at the Department of Communities and Local Government.

However, Sport England would be prepared to review this position if it can be demonstrated that one of the above policy exceptions can be met. One potential way forward would be to retain the existing use of the building as a sports pavilion and seek use as a nursery within agreed restricted hours.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

Planning Policy Team:

The PPG17 Study (Harrow Open Space, Sport and Recreation Study (2010)) categorises The Croft as a Local Park, not as Outdoor Sport provision. The significance of this is that, at the time of the PPG 17 audit, the site was not making any contribution to the provision of outdoor sports. If it were to have been categorised as Outdoor Sport provision an objection could have been justified on the basis of the fact that the same study identified a dearth of changing accommodation and in particular the poor quality of local authority provision as particular issues. However, as it stands any objection would be not justified as we would be attempting to safeguard the pavilion for a use which does not currently exist.

Highway Authority:

The proposed change of use from D2 to D1 is based on a projected child attendance of 40. The local school is close to this address and it is likely that some siblings may take advantage of the proposed facility hence producing a 'linked trip' scenario which reduces overall traffic linked activity. The applicant appears keen to promote this in their D&A which is therefore welcomed. However this is difficult to fully quantify and predict so, as a fall back position which is the norm with nursery use within residential areas, I would encourage a staggered 'drop off' and 'pick up' regime to dilute some of the potential impact on the surrounding residential area. Again the applicant has suggested such a regime and from the evidence provided the objective of reducing concentrated traffic generation to and from the site should be achieved with no envisaged measurable detriment to the locality due to the 'diluted' distribution of children attending throughout the day. This 'staggered' approach would also lessen the concern of some neighbours who otherwise envisage problems with injudicious parking over driveways and similar.

A framework travel plan is also required to be secured under condition to further assist in the reduction of non-sustainable modes of transport by staff and some patrons of the nursery.

In terms of secure cycle provision, 1 space should in theory be sought i.e. 1 space per 10 staff is required based on London Plan 2011 standards. However as staffing levels are stated to be in the region of 8 persons, a move to further promote sustainable travel to and from the site should be encouraged with a corresponding provision of at least 8 spaces being secured.

Hence in summary there is no objection if a staggered 'drop off' and 'pick up' approach is agreed and suitably conditioned alongside a framework Travel Plan.

Crime Prevention Design Advisor:

All windows will have to be provided with security shutters and the building will have to be

fitted with a burglar alarm. The roof will also need to be properly secured to prevent potential access to would be criminals. Other measures may also be required in addition to those that have been outlined. Additional lighting within the park should not be encouraged as this may encourage people to use the park after dark when it is still really not safe to do so given the lack of any natural surveillance. It is recommended that the standard Secured By Design condition is imposed on any grant of planning permission.

Landscape Design:

The proposal is for change of use from D1 to D2, so first of all its impact on the overall park facilities needs to be understood. If it is acceptable in principle then the following landscaping issues need to be resolved.

The Design and Access Statement states that there will be no associated landscape treatment, however there is opportunity to provide landscaping and outdoor play area. Hedges/planting should be incorporated in the design - along the boundary, but care should be taken to maintain visibility, security and avoid high maintenance. The use of plants in landscape design would soften boundary treatments and introduce visual interest.

Further details of the hard and soft landscaping would be required.

A detailed hard landscaping plan should include detailed layout of the paving, boundary treatment indicating material, colour and levels etc. The hard surfacing should be made of permeable/porous material as set out in the Guidance on the permeable surfacing, Department of Communities and Local Government.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/pavingfrontgardens.pdf>

A planting plan would be required which should give details of the proposed plant species, plant numbers (and plant density/ m2), plant sizes (height) and container (plant pot) size, at time of planting.

Parking:

Though the application form indicates some parking spaces and the Design and Access Statement states that there would be a disabled access, none of the drawings indicate any of the parking facilities, it is not clear where the parking would be provided.

Bin storage and collection:

The proposed plan indicates the bin storage area, however it is important to make sure that it would be collected regularly (accessibility of the location for the refuse collection vehicle).

Outdoor play-areas:

No details are provided, it is not clear if the client intends to propose any play equipment etc. So a detailed layout would be required (if there is any intention to provide any play equipment).

If you are minded to approve this application, the above comments should be noted, and the following hard and soft landscape conditions would be required:

- Hard and Soft Landscaping to be approved
- Details to be approved
- Levels
- Boundary Treatment and Material Details

Environmental Health:

No objections.

Newspaper Advertisement: N/A

Site Notice: N/A

Neighbourhood Notifications:

Cannonbury Avenue:

No.s: 41-65, 69-95 and 101-119 (Inclusive, odd no.s only)

Glover Road:

No.s: 1-43 (Inclusive, odd no.s only)

Hill Road:

No.s: 55-93 (Inclusive, odd no.s only)

East Towers:

No.s: 58-74, 78, 82 and 86-94 (Inclusive, even no.s only)

Sent: 98

Replies: 3

Expiry: 04/05/2012

Summary of Responses:

- Congestion and traffic impact upon residents in Cannonbury Avenue
- Unlikely that staff will actually live within the locality unless employment contracts state that staff must walk to work
- A new nursery is not a much needed facility as there are numerous nurseries in the local area.
- The pedestrian walkway should remain unlit as it would create light pollution and reduce our quality of life necessitating additional curtaining and barriers to block out the light. If the path is lit will the proposer be paying for this?
- The plans do not address the issue of drainage as there have been historic problems with services to the changing rooms and the change of use will mean they will be subjected to a much greater load than the original specification.
- The proposal will exacerbate the ineffectiveness of traffic calming measures in Cannonbury Avenue.
- Please confirm that no parking will be allowed in The Croft itself and that the park will be locked and opened each day by the Council as hitherto. Is there an arrangement with the Council to keep The Croft open until the building is vacated. Will the proposer be paying any overtime incurred in the later closing time?
- There are inconsistencies in the Design and Access Statement – page 2 states that the nursery will operate between 9am-5pm while on page 6 it states that it will operate between 8am-6pm.

APPRAISAL

MAIN CONSIDERATIONS

1) Principle of development

- 2) Design and Impact upon the Character and Appearance of the Area
- 3) Impact upon Residential Amenity
- 4) Parking and Highway Safety
- 5) Accessibility
- 6) S17 Crime & Disorder Act 1998
- 7) Consultation Responses

1) Principle of development

Policy Analysis

The NPPF seeks to promote healthy communities in Section 8. It states in paragraph 70 that,

'To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.'*

The NPPF also states at paragraph 73 that,

'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;*
- *or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;*
- *or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

171. Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs

of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.'

Policy 3.19 (Sports facilities) of The London Plan (2011) states that,

'B. Development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted. Temporary facilities may provide the means of mitigating any loss as part of proposals for permanent re-provision. Wherever possible, multi-use public facilities for sport and recreational activity should be encouraged. The provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to local community or biodiversity.'

'D. Within LDFs boroughs should assess the need for sports and recreation facilities in line with PPG 17 at the local and subregional levels regularly, and secure sites for a range of sports facilities.'

Core Policy CS1.G of the Harrow Core Strategy states that,

'The Council will work with institutions and landowners where necessary to support public access to sport and recreation facilities. Appropriate proposals for enhancement of such facilities will be supported.'

Saved policy R4 of the Harrow UDP (2004) states that,

'The Council will seek the further provision of outdoor sports facilities that are in limited supply by:

- Encouraging public and private recreational schemes; and*
- Where appropriate, providing outdoor sports facilities when laying out public open space.'*

Policy 57 (Retention of Existing Community and Education Facilities) of the draft submission version of the Development Management Policies DPD (which will eventually replace the Harrow Unitary Development Plan (2004)) states that,

(A) Proposals involving the loss of an existing community or educational facility will be resisted unless:

- a. there is no longer a need for that facility; or*
- b. there are adequate similar facilities nearby; or*
- c. the redevelopment of the site would secure an over-riding public benefit.*

(B) Proposals for the redevelopment of community or educational facilities that secure enhanced re-provision on the site, or on another site which improves accessibility, will be supported.

Policy 58 (Enhancing Outdoor Sport Facilities) of the draft submission version of the Development Management Policies DPD states that,

'(A) Proposals that would increase the capacity and quality of outdoor sport

facilities, ancillary activities that support sporting activities, and those that would secure community access to private facilities, will be supported provided that:

- a. there would be no conflict with Green Belt, Metropolitan Open Land and open space policies;*
- b. the proposal would not be detrimental to any heritage or biodiversity assets within or surrounding the site; and*
- c. there would be no adverse impact on residential amenity or highway safety.'*

Assessment

As with the superseded PPG17 which it has replaced, the NPPF continues to advise local planning authorities to resist the loss of open space, sports and recreational buildings and land, including playing fields unless an assessment has been undertaken which clearly shows the open space, buildings or land to be surplus to requirements.

An objection to the change of use has been lodged by Sport England on the basis that the proposal would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field in an adopted or draft deposit local plan, unless, in the judgment of Sport England, one or more of five specific circumstances (which amount to an exception) applies. The only one of the five specific circumstances which applies to the proposal is whether...

'...A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.'

The circumstance outlined above corresponds with the NPPF 'surplus to requirements' test. 'Surplus to requirements' is therefore understood to mean surplus to the sporting / recreational needs of local end users.

The planning status of The Croft

A report published by the Greater London Authority in May 2006 entitled 'Offside – The Loss of London's Playing Fields' identified The Croft as a playing field and in so doing listed it among the 1,429 playing fields in London at that time.

Sport England states that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010, in that it is on land that has been used as a playing field within the last 5 years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement. They further state that the Football Association have confirmed to them that football clubs used to play at the site but following the pavilion being vandalised a few years ago and Harrow Council subsequently fencing off the block, they no longer do. This is due to football league requirements that such grounds must have changing rooms and WCs available on site.

In May 2010 the Final Report of the Harrow PPG17: Open Space, Sport and Recreation Study 2011 was published, hereafter referred to as 'the PPG17 Study'. It categorised The Croft as a 'Local Park' rather than as 'Outdoor Sport' provision. This categorisation was

informed by the circumstances on the ground, both then and now, whereby the sports pavilion, originally purpose-built to facilitate the use of the park for playing football, had to be de-commissioned by the Council following an arson attack in October 2002. The household questionnaire, whose answers informed the PPG17 Study', only sought information on the usage of outdoor sports facilities in the Borough within the last 12 months. Consequently, it concluded that The Croft is not used for formal, organised team games and on this basis categorised it as a 'Local Park' rather than 'Outdoor Sports' provision.

Notwithstanding the lack of changing facilities/WCs and the lack of properly marked out pitches and goal nets, a local youth football team, Pinnstars FC continue to use the playing fields to hold training sessions on certain Saturday mornings for a wide range of under-age teams who play in the Harrow Youth Football League and in the Harrow Soccer 7's League. The draft Harrow Outdoor Sports Strategy (2012) records that this club has 198 players between the ages of 7 to 18, although the club's own website states that they have over 250 members between the ages of 5 to 18. Given that there is no reliance on the pavilion building itself, there is no reason to suppose that this use of the playing fields would not continue following the implementation of the change of use of the pavilion to a nursery.

In summary, it is accepted that the sports pavilion at The Croft has not been in active use, in terms of providing changing rooms and equipment storage to support formal recreation, particularly football, for almost 10 years and that there is almost no prospect of any funding or other investment coming forward in the near to medium future, that could ultimately bring the building back into active use for its originally intended purpose. It is therefore considered that it meets the NPPF test of being surplus to requirements. At the same time, the draft Outdoor Sports Strategy (2012) recognises that the Borough's physically-active population is likely to increase in the future putting further pressure on existing recreational infrastructure. With this in mind, it is considered prudent to restrict the proposed change of use to an initial period of 5 years to enable a reassessment to ascertain whether the pavilion still remains surplus to local recreation needs at that time.

2) Design and Impact upon the Character and Appearance of the Area

No development is proposed other than minor external alterations in the form of additional doors and windows as well as the possible need to undertake like-for-like replacements of the existing windows and doors.

The building is already enclosed by a 2m high wire mesh fence. Whether it is necessary to retain this existing boundary treatment will be considered as part of the approval of details required by a condition which seeks to ensure that the development incorporates features to ensure that it is as secure as possible. It is not considered to be particularly child-friendly and also evokes the feel of a compound, however, subject to further liaison with the CPDA, it may be appropriate for it to be retained to provide adequate security. It may also be the case that the agreement and approval of appropriate landscaping may help to soften its quite stark, industrial appearance.

The development would therefore comply with policies 7.3, 7.4 and 7.6 of The London Plan (2011), core policy CS1.B and saved policy D4 of the Harrow UDP (2004).

3) Impact upon Residential Amenity

The pavilion is located at the centre of The Croft and is therefore as far away from the nearest surrounding dwellinghouses as possible. The size of the building, the intensity of

the use (up to a maximum of 40 children at any time and only operating between 8:00am and 6:00pm, Monday to Friday) and its location within a local park which provides ample space for children to run around is such that, subject to appropriate and reasonable conditions, the proposal's impact upon residential amenity is considered satisfactory and would comply with policy 7.6B of The London Plan (2011) and saved policies EP25 and D5 of the Harrow Unitary Development Plan (2004).

4) Parking and Traffic

Many of the objections received relate to the impact of the development upon parking and the free flow of traffic in the surrounding residential streets. Many of these objections refer to the fact that the accesses to the park are pedestrian only and there is therefore no scope to provide parking within the park. The concern is that the development will generate a significant demand for on street parking in the surrounding residential streets from employees and parents dropping off/collecting their children to the nursery.

Notwithstanding this however, the highway authority have identified a likelihood that the nursery will be able to take advantage of 'linked trips', i.e., car journeys which are already occurring in the vicinity due to the parents of the young children attending the nursery also dropping-off and picking up their older siblings at Cannon Lane Junior and Middle School and/or Heathfield School. While the applicant has also stated an intention to promote the use of linked trips in their Design and Access Statement, the Highway Authority has advised that it is difficult to fully quantify and predict the extent of the take up of linked trips. For this reason, it is also advised that a staggered 'drop off' and 'pick up' regime should be encourage to dilute some of the potential impact of traffic on the surrounding residential area. Again the applicant has suggested such a regime and from the evidence provided the objective of reducing concentrated traffic generation to and from the site should be achieved with no envisaged measurable detriment to the locality due to the 'diluted' distribution of children attending throughout the day. This 'staggered' approach would also lessen the concern of some neighbours who otherwise envisage problems with injudicious parking over driveways and similar.

The Highway Authority have advised that a framework travel plan is also required to be secured under condition to further assist in the reduction of non-sustainable modes of transport by staff and some patrons of the nursery. Furthermore, it is considered that imposing a temporary permission condition to restrict the use of the pavilion as a nursery for an initial period of 5 years will allow a reassessment of the traffic and parking impact of the development at that time.

In terms of secure cycle provision, 1 space should in theory be sought, i.e., 1 space per 10 staff is required based on London Plan (2011) standards. However as staffing levels are stated to be in the region of 8 persons, a move to further promote sustainable travel to and from the site should be encouraged with a corresponding provision of at least 8 spaces being secured. The applicant has stated that the building has sufficient space to store cycles for working staff (it is also likely that storage of cycles within the building is necessary to comply with principles for designing out crime in any case). However, the proposed floor plans do not indicate whereabouts in the building they would be stored and how many cycles could be accommodated. The required provision will therefore need to be secured by a condition and this may necessitate a revised proposed floor layout to be agreed.

In summary it is considered there is no objection subject to conditions restricting the use of the pavilion as a nursery for a temporary period of 5 years, and if a staggered 'drop off'

and 'pick up' approach is agreed and suitably conditioned alongside a framework Travel Plan. It is considered that conditioned as such, the proposed development would not result in any unduly significant harm to highway/pedestrian safety or to the free flow of traffic as a result of the proposed use and that it would therefore comply with policies 6.3 and 6.13 of The London Plan (2011) and saved policies T6 and T13 of the Harrow Unitary Development Plan (2004).

5) Accessibility

Saved policy D4 of the Harrow UDP (2004) requires development proposals to provide a high standard of design and layout whilst saved policy C16 of the Harrow UDP requires all development proposals to provide accessible facilities for all users. Relevant guidance on accessibility to buildings is also contained within the adopted Supplementary Planning Document: Access for All (2006).

The applicant has stated that a fully disabled accessible WC is to be provided and that all external thresholds will comply with Part M of the building regulations. Further to this the internal layout exhibits wide corridors (1.15m wide) and doors which face 'square on' to rooms and corridors.

The natural ground level around the building is level as is the approach along the paths to the building from either the Cannonbury Avenue or the Glover Road entrances. The paths are also finished in smooth tarmac suitable for use by wheelchair users.

Notwithstanding those details that have been referred to in the Design and Access Statement and those that can be discerned from the proposed site and floor layout, it is considered reasonable and necessary to require a more comprehensive schedule of details and supplementary detailed drawings to be submitted to ensure that all aspects of accessibility have been properly considered and that in turn the building will be as accessible as possible. A standard condition to this effect is one of the list of suggested conditions set out below.

In summary, it is considered that the development would comply with policy 7.2 of The London Plan (2011) and saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document – Access for All (2006).

6) S17 Crime & Disorder Act 1998

Subject to a condition to require the applicant to submit details of measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development, it is considered that the proposed development would not adversely impact upon community safety issues and would therefore comply with policy 7.3 of The London Plan (2011), core policy CS1.E of the Harrow Core Strategy (2012) and saved policy D4 of the Harrow Unitary Development Plan (2004).

7) Consultation Responses

- *Congestion and traffic impact upon residents in Cannonbury Avenue.*
- *Unlikely that staff will actually live within the locality unless employment contracts state that staff must walk to work*
- *The proposal will exacerbate the ineffectiveness of traffic calming measures in Cannonbury Avenue.*

The comments above have been considered in Section 4 above.

- *A new nursery is not a much needed facility as there are numerous nurseries in the*

local area.

It is not for the local planning authority to determine or regulate local need in respect of the provision of child nursery facilities.

- *The pedestrian walkway should remain unlit as it would create light pollution and reduce our quality of life necessitating additional curtaining and barriers to block out the light. If the path is lit will the proposer be paying for this?*

The application does not propose any external lighting scheme.

- *The plans do not address the issue of drainage as there have been historic problems with services to the changing rooms and the change of use will mean they will be subjected to a much greater load than the original specification.*

This is not a material planning consideration.

- *Please confirm that no parking will be allowed in The Croft itself and that the park will be locked and opened each day by the Council as hitherto. Is there an arrangement with the Council to keep The Croft open until the building is vacated. Will the proposer be paying any overtime incurred in the later closing time?*

The application does not propose any car parking. It will be for the person(s) implementing the planning permission to agree how the hours of use of the building are reconciled with the existing arrangements for the management of The Croft and to contact the responsible department/person(s) at the Council to agree an acceptable arrangement.

- *There are inconsistencies in the Design and Access Statement – page 2 states that the nursery will operate between 9am-5pm while on page 6 it states that it will operate between 8am-6pm.*

For the avoidance of doubt, it has been assumed that the applicant's proposed hours of operation for the nursery are between 8am-6pm.

CONCLUSION

For all the reasons considered above, and having taken full account of all relevant material considerations including any responses to consultation, the application is considered to be consistent with the policies and proposals of the development plan as set out in the National Planning Policy Framework (2012), The London Plan (2011), the Harrow Core Strategy (2012), the Harrow Unitary Development Plan (2004), the Harrow Open Space, Sport and Recreation Study (2010) and the draft Harrow Outdoor Sports Strategy (2012) and is therefore recommended for grant.

The decision to grant permission has been taken on the basis that the use of the sports pavilion building as a children's nursery for at least five years would bring an empty, unused community facility back into use and in so doing would create a valuable active presence within The Croft during weekdays which is likely to enhance perceptions of it as a safe, well-used place and which, in turn, may lead to increased usage by the local community. It would not encroach upon the protected open space and/or compromise the continued use of The Croft Playing Field for casual recreation activities including acting as an informal training facility for local underage association football teams. Subject to conditions, it would not result in any unduly significant harm to neighbouring residential amenity, would not exacerbate parking congestion or cause harm to highway safety or the free flow of traffic in the area and would enhance community safety and perceptions of The Croft as a safe place.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The use hereby permitted shall be discontinued within 5 years of the date of this permission and the premises shall return to a D2 (Assembly and leisure) use.

REASON: To permit a re-consideration of the need for the building to be re-used as a sports pavilion in the light of the circumstances then prevailing, in accordance with policies 3.16 and 3.19 of The London Plan (2011), core policies CS1.F, CS1.G and CS1.Z of the Harrow Core Strategy (2012) and saved policies C2 and C10 of the Harrow Unitary Development Plan (2004).

3 Prior to the implementation of the use hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. All main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';

2. All window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS:7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with saved policy D4 of the Harrow UDP (2004), policy 7.3 of The London Plan (2011) and Section 17 of the Crime & Disorder Act 1998.

4 The use hereby permitted shall not commence until details of a scheme indicating the provision to be made for people with mobility impairments, to gain access to, and egress from, the building(s) (without the need to negotiate steps) have been submitted to and approved in writing by the Local Planning Authority. The use shall not be commenced until the works have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure that the development will be accessible for people with disabilities in accordance with policy 7.2 of The London Plan (2011) and saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document – Access for All (2006).

5 Notwithstanding the proposed ground-floor layout details shown in plan ref. 1061/001/100 Rev A, the D1 children's nursery use hereby permitted shall not commence until secure cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position and number of cycles accommodated and the position, design, materials and finishes of any separate enclosure if the cycle storage is not to be provided within the building itself.

REASON: To accord with the Council's policy to discourage the use of the car wherever

possible and to comply with saved policy T13 and Schedule 5 (Parking Standards) of the Harrow Unitary Development Plan (2004) and policy 6.9 of The London Plan (2011).

6 (a) The premises shall not be used for D1 children's nursery purposes except between the hours of 08:00 and 18:00 on Mondays to Fridays inclusive.

(b) No more than 40 (forty) children shall be accommodated at the premises at any one time.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality and in the interests of highway safety in accordance with policies 6.3 and 6.13 of The London Plan (2011) and saved policies D4, EP25, C10 and T6 of the Harrow Unitary Development Plan (2004).

7 The premises shall be used for the purpose specified in the application and for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

REASON: To safeguard the amenity of neighbouring residents and the character of the locality and in the interests of highway safety in accordance with policies 6.3 and 6.13 of The London Plan (2011) and saved policies D4, EP25, C10 and T6 of the Harrow Unitary Development Plan (2004).

8 Prior to the commencement of the D1 children's nursery use hereby permitted, a comprehensive framework travel plan shall be submitted to, and approved in writing by, the Local Planning Authority. The travel plan will contain clear objectives, targets, actions, timeframes and monitoring arrangements to manage the transport needs of staff and customers/visitors to the nursery to minimize car usage and to achieve a shift to alternative transport modes. The agreed measures shall continue to be implemented as long as any part of the development is occupied.

REASON: In order to promote more sustainable and alternative means of travel to the private car and to manage the effects of any additional traffic in the interests of amenity and sustainability in accordance with saved policies D4 and T6 of the Harrow Unitary Development Plan (2004) and policy 6.3 of The London Plan (2011)

9 Notwithstanding the proposed details shown in plan ref. 1061/001/100 Rev A, the use of the development hereby permitted shall not commence until a scheme for:

a: the storage and disposal of refuse/waste

b: and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority.

The use hereby permitted shall not be commenced until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the public's enjoyment of The Croft Playing Field or to the enjoyment by neighbouring occupiers of their properties in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004) and policy 5.17 of The London Plan (2011).

10 The use hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of soft and hard landscape works. The soft landscape works shall include a planting plan giving details of plant species, heights and proposed numbers and/or densities (plants/sq.m). The hard landscape works shall include a detailed layout of any hard paved areas and full details of any boundary treatment(s) indicating material, colour and levels, etc. include detailed layout of the

paving, boundary treatment indicating material, colour and levels etc. Any hard surfacing should be made of permeable material as set out in 'Guidance on the permeable surfacing of front gardens' (DCLG / Environment Agency, 2008).

REASON: To safeguard the appearance and character of the area, to enhance the appearance of the development and to encourage the use of sustainable drainage solutions, in accordance with saved policies D4 and EP12 of the Harrow Unitary Development Plan (2004) and policies 7.4, 7.5 and 5.13 of The London Plan (2011).

11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

12 The development hereby permitted shall be carried out only in accordance with the following approved plans: 1061/001/100 Rev A; 1061/001/101 Rev A; 1061/001/102 Rev A; 1061/001/103 Rev A; Design and Access Statement

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The decision to grant permission has been taken on the basis that the use of the sports pavilion building as a children's nursery for at least five years would bring an empty, unused community facility back into use and in so doing would create a valuable active presence within The Croft during weekdays which is likely to enhance perceptions of it as a safe, well-used place and which, in turn, may lead to increased usage by the local community. It would not encroach upon the protected open space and/or compromise the continued use of The Croft Playing Field for casual recreation activities including acting as an informal training facility for local underage association football teams. Subject to conditions, it would not result in any unduly significant harm to neighbouring residential amenity, would not exacerbate parking congestion or cause harm to highway safety or the free flow of traffic in the area and would enhance community safety and perceptions of The Croft as a safe place. The application is therefore considered to be consistent with national planning policies the National Planning Policy Framework (2012), The London Plan (2011), Harrow Core Strategy (2012), Harrow Unitary Development Plan (2004), the Harrow Open Space, Sport and Recreation Study (2010) and the draft Harrow Outdoor Sports Strategy (2012), as well as to all relevant material considerations including any responses to consultation.

National:

National Planning Policy Framework (2012)

Regional:

The London Plan (2011): Policies 3.16, 3.18, 3.19, 5.17, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6 and 7.15

Mayor of London (Saved) Supplementary Planning Guidance: Accessible London - Achieving an Inclusive Environment (2004)

Local:

Harrow Core Strategy (2012): Core Policy CS1.E, CS1.F, CS1.G and CS1.Z
Harrow UDP (2004): Saved Policies D4, EP25, EP47, C2, C10, C17, T6, T13 and R4
Supplementary Planning Document: Access for All (April 2006)
Harrow Open Space, Sport and Recreation Study (2010)
Draft Harrow Outdoor Sports Strategy (2012)

2 IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

3 The applicant is reminded of the duties set out in the Equality Act 2010 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

4 The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

5 In aiming to satisfy the Community Safety condition(s) the applicant should seek the advice of the Borough Crime Prevention Design Advisors (CPDA). They can be contacted through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of this / these condition(s).

6 The applicant is advised to be aware that the proposed development will require building regulations approval. Further information can be obtained by contacting the Council's Building Control team on 0208 901 2650 (Ext. 6058).

7 The applicant is advised to be aware that the proposed development will require compliance with environmental health legislation. Further information can be obtained by contacting the Council's Environmental Health team on 0208 901 2650 (Ext. 6265).

Plan Nos: 1061/001/100 Rev A; 1061/001/101 Rev A; 1061/001/102 Rev A;
1061/001/103 Rev A; Design and Access Statement

THE CROFT, CANNONBURY AVENUE, PINNER



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SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item No. 3/01
Address: 16 DALSTON GARDENS, STANMORE
Reference: P/0115/12
Description: CHANGE OF USE OF PART OF GROUND FLOOR FROM AN OFFICE TO A YOGA CENTRE (CLASS B1 TO CLASS D2)
Ward: Queensbury
Applicant: Triveni Sangam Charity
Agent: DB Planners
Case Officer: Nicola Rankin
Expiry Date: 13th April 2012

REFUSE permission for the development described in the application and submitted plans for the following reason(s):

The proposal would introduce an inappropriate use within the Honeypt Lane industrial business park resulting in the loss of Strategic Industrial Land, contrary to the strategic management of employment land in the Borough, and contrary to Policies 2.17 of the London Plan (2011), CS1 (O) of Harrow's Core Strategy (2012) and EM14 of the Harrow Unitary Development Plan (2004).

INFORMATION

This application is referred to the Planning Committee as the Chair of the Planning Committee has requested in writing that the application be reported to the Planning Committee and the request has not been resolved under the procedures outlined in the Member Referral Protocol. As such, the application cannot be determined by the delegated powers under category 1(f) of the scheme of delegation.

Statutory Return Type: Change of Use

Council Interest: None

Gross Floorspace: 80sqm

Net additional Floorspace: 0sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £2800

Site Description

- The application site relates to a two storey warehouse unit with ancillary offices on the western side of Dalston Gardens.
- The ancillary offices on the ground floor of the unit are the subject of this application.
- The remainder of the ground floor and first floor of the premises has permitted use for B2/B8.
- The building is currently vacant.

- There is a small hardsurfaced forecourt area to the front of the building which provide parking spaces for several vehicles.
- There is a shared service road between No. 16 and the adjacent building. No. 18.
- The site is located within the Honeypot Lane Industrial Business Park which is designated in the London Plan as a Strategic Industrial Location and an industrial and business use area as shown in the Harrow Unitary Development Plan.
- The application site has a public transport accessibility level of 1.
- The western side of Dalston Gardens consists of two storey commercial and warehouse buildings while the eastern side is characterised by two storey semi detached dwellinghouses.
- Dalston Gardens has provision for on street parking with no yellow line restrictions.

Proposal Details

- The application seeks full planning permission for the change of the ancillary ground floor offices (197m²) to a community based yoga centre (class D2).
- The proposed yoga centre would operate on the ground floor together with a small ancillary office and WC facilities.
- It is proposed to operate pre-work yoga classes from 6.30am onwards and further classes in the evening from 7pm to 9pm.
- The yoga workshops would be run by 3 full time staff and 2 part time staff.
- The site would provide 2 on site parking spaces. Additional parking space would be provided on Dalston Gardens which has unrestricted parking during the day and evenings.

Revisions to Previous Application:

- None.

Relevant History

- None

Pre-Application Discussion (Ref.)

- None

Applicant Submission Documents

Design and Access Statement

- The applicants Design and Access Statement is summarised as follows:
- The application site is located within a well established mixed use complex which incorporates a range of B1, B2 and B8 and A1 and Sui Generis uses.
- The application building would largely retain its warehousing capacity with first floor office space that would continue to support any future operation on the site independent of the ground floor ancillary office space. As such, the development would not harm the strategic objectives of the site in its capacity to deliver future warehousing and storage facilities.
- The proposed changes are limited and can readily be reversed back to office space in the future.
- The proposal would bring back into use a vacant office space and generate localised employment whilst at the same time delivering a community facility that supports health and sustainable living objectives.
- The application site is considered to be within reasonable walking distance to various modes of public transport including bus and tube services.

- On site parking provision is available.
- The operations of the centre would not materially harm the visual character of the site and would not result in any detrimental harm to the amenities of other commercial operators located in the area and those adjacent residential properties.

Consultations

Planning Policy: Objection, the proposal would introduce an inappropriate use within the Honeypot Lane Industrial and Business Park.

Highways Authority: No Objection.

Sports and Cultural Services: No comment received

Advertisement

Press Advert/Site Notice: Departure from the development plan Expiry: 18th May 2012

Notifications

Sent: 22

Replies: 0

Expiry: 29.03.2012

Addresses Consulted

- 12, 12A, 14, 18, 20, 51, 53, 55, 57 59, 61, 63, 65, Dalston Gardens, Stanmore
- 490, 494-496, 498 Honeypot Lane
- Victoria House, 18 Dalston Gardens

Summary of Responses

- None

APPRAISAL

The Government has adopted a National Planning Policy Framework [NPPF] on 27 March 2012 that consolidates national planning policy. This document now carries significant weight and has been considered in relation to this application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:
'If regard is to be had to the Development Plan for the purpose of any determination to be under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

MAIN CONSIDERATIONS

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Accessibility
- 6) S17 Crime & Disorder Act
- 7) Consultation Responses

1) Principle of the Development

As outlined above, Strategic Industrial Locations are a London Plan designation. Industrial Business Parks are defined as being particularly suitable for activities such as research and development, light industrial, transport and small scale functions among others. Recognising that strategic industrial locations constitute a significant part of London's supply of industrial land, Policy 2.17 (B) of the London Plan states that proposals should be refused unless they are within the broad industrial type activities described or provide small scale 'walk to' services for industrial occupiers. The proposal is not an activity appropriate to an industrial business park and, although the applicant's design and access statement makes reference to early morning 'pre-work' yoga classes, it is not considered that this would be a service primarily for industrial occupiers of the business park.

London Plan Policy 2.17 (B) also provides exceptions for the workspace needs of small and medium sized enterprises and for strategically co-ordinated consolidation of SIL land. Neither of these are relevant to the proposal.

London Plan Policy 2.17 (C) requires proposals within or adjacent to strategic industrial locations not to compromise the integrity or effectiveness of these locations for industrial type activities. Unlike office buildings, where partial conversion to a mix of uses can often be achieved satisfactorily, the subject proposal would sever the rear warehouse from the forecourt (leaving it to be accessed via a side driveway) and the first floor office. It is considered that such an arrangement is likely to reduce the attractiveness of the premises to potential industrial or warehouse occupiers and, if repeated in neighbouring premises, would compromise the effectiveness of the Honeypot Lane industrial business park.

London Plan Policy 4.4 (B) sets out a framework for boroughs to manage their stock of industrial land. Harrow is in the 'limited transfer' grouping.

Harrow's Core Strategy recognises that there is a need to manage the release of surplus B Class floorspace over the plan period. To this end, Policy CS1 (N) provides for the possible consolidation of the Wealdstone Strategic Industrial Location (the Honeypot Lane location having already been consolidated through the release of the former Government offices for residential development) and seeks to promote the retained Strategic Industrial Land at Wealdstone and Honeypot Lane for appropriate economic uses in accordance with the London Plan. As noted above, the proposal is not an appropriate use in terms of the type of activities specified in London Plan Policy 2.17.

Policy CS1 (O) provides a sequential approach for the further release of B class stock, having regard to monitoring of the supply/demand balance and giving preference to the release of non allocated/poorer quality sites. Harrow's Employment Land Study (2010) found the Honeypot Lane/Dalston Gardens Industrial Business Park to be of poorer quality. Nevertheless, it is considered that even poorer quality sites within Strategic Industrial Locations should not be released in advance of non allocated and other allocated sites, while monitoring of implemented/approved proposals including a recently approved (subject to completion of an s.106 agreement, and referral to DCLG) major application at the Kodak site (a strategic site within the Harrow and Wealdstone Intensification Area planning ref: P/3405/11) is taking place. Current monitoring provides an indication that substantial quantitative losses are already taking place. Harrow's Annual Monitoring report (2011) shows that over the years 2008/09, 2009/10 and 2010/11, development completions had already resulted in the loss of 61,253m² B class floorspace. It is therefore considered that it would not be appropriate to release this office

space within a strategic industrial location under the current circumstances.

In addition to the Harrow Core Strategy (2012), saved policy EM14 of the Harrow outlines that Harrow Council will resist the loss of land and buildings within designated Industrial and Warehousing Use.

Notably, the new NPPF established a presumption in favour of sustainable development. For decision taking, this means approving proposals that are in accordance with the development plan without delay. Proposals not in accordance with the development plan should be refused unless there is no up to date development plan in place or if it is silent or absent. If the development plan is absent, silent or out of date permission should be granted unless there would be significant and demonstrable harm (in relation to NPPF policies) or where the NPPF indicates that development should be restricted. In the subject instance the principal components of the development plan, namely the London Plan and Harrow's Core Strategy, provide a clear and up to date basis upon which to determine the application.

Paragraphs 18-22 provide national policy for building a strong, competitive economy. It states among other things that local planning authorities should plan proactively to meet the needs of business and that planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Taken as a whole, Harrow's Core Strategy provides a spatial strategy for economic development in the Borough, to achieve 4,000 new jobs and diversification over the plan period. The framework for the managed release of surplus stock, the mixed use diversification of premises where appropriate and the protection/enhancement of strategically important employment land all form part of that proactive strategy. The Core Strategy has been informed by an up to date review of employment land needs and there is no substantial evidence at the present time to demonstrate that the application site will remain vacant in the long term.

The applicant has not demonstrated that no other suitable sites are available to meet the applicant's needs. The Council produces a bi-annual survey of available business premises (available on the Council's website) and responds positively to proposals for the diversification of redundant office premises where the criteria of saved Policy EM15 of the Harrow UDP (2004) can be met.

The applicant's Design and Access statement highlights the value of the proposal as a community facility with health related operations. This benefit is recognised, but is not considered to be of such weight in view of the potential availability of other premises to over-ride the relevant employment policies considered above.

The applicant's Design and Access statement indicates that visitors to the site would be encouraged to use public transport and other sustainable modes. However it is noted that the public transport accessibility level of the site is very low (PTAL 1) and it is considered that other sites, with higher public transport accessibility levels, should be sought to encourage employees and visitors to access the facility by sustainable transport modes.

The proposal would introduce an inappropriate use within the Honey Pot Lane Industrial Business Park and would be at odds with the strategic management of employment land in the Borough, contrary to Policies 2.17 of the London Plan (2011), CS1 (O) of Harrow's Core Strategy (2012) and EM14 of the Harrow Unitary Development Plan (2004).

2) Character and Appearance of the Area

The proposal would not result in any external alterations to the building. As such the proposal would not result in any adverse impacts on the character and appearance of the existing building or street scene and is therefore acceptable in terms of policy 7.4 of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development plan (2004).

3) Residential Amenity

The site is within an established industrial location and it is considered that there would not be any additional noise and disturbance beyond what is already associated with the operation of the other surrounding buildings in terms of comings and goings of staff and goods vehicles. As such, the proposed yoga centre is considered not to result in any significant detrimental impacts on the residential amenities of the surrounding neighbouring residents. Therefore the proposal would not conflict with policy 7.6B of The London Plan (2011) and saved policy D5 of the Harrow Unitary Development Plan (2004).

4) Traffic and Parking

Having regard to the small scale of the proposal in the context of the sites wider setting there is no specific concern with regard to traffic and parking as the variance in use activities in private car form are unlikely to be notable. The proposal has been referred to the Highways Authority who has raised no objection to the proposal.

5) Accessibility

Currently there is not level access into the building through the main front entrance door on the front elevation or an accessible WC. However, had the proposal been considered acceptable in all other respects, a condition would have been attached in respect of this. It is considered that the layout of the building would enable adequate circulation for disabled users and subject to appropriate conditions; the proposal would be acceptable in relation to London Plan (2011) policies 3.1 and 7.2 and saved policy C16 of the Harrow UDP.

6) S17 Crime & Disorder Act

Saved policy D4 of the Harrow Unitary Development Plan (2004) advises that crime prevention should be integral to the initial design process of a scheme. Policy 7.3 of The London Plan (2011) seeks to ensure that developments should address security issues and provide safe and secure environments. It is considered that the development does not have any adverse crime or safety concerns.

7) Consultation responses

None

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above this application is recommended for refusal.

INFORMATIVES

1 REASON FOR REFUSAL OF PLANNING PERMISSION

The decision to refuse planning permission has been taken having regard to the National Planning Policy Framework (2012), the policies and proposals in The London Plan, the Harrow Core Strategy (2012) and the Harrow Unitary Development Plan set out below and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report.

The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011)

- 2.17 – Strategic Industrial Locations
- 3.1 – Ensuring Equal Life Chances For All
- 4.4 – Managing Industrial Land and Premises
- 7.4 – Local Character
- 7.6 - Architecture
- 7.2 - An Inclusive Environment

Harrow Core Strategy core policy

- CS1 –Overarching Policy
- CS9 (B) – Kingsbury and Queensbury

Harrow Unitary Development Plan (2004)

- D4-The Standard of Design and Layout
- EM14 – Land and Buildings in Business, Industrial and Warehousing Use-Designated Areas
- C16 – Access to Buildings and Public Spaces
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards

2 INFORM61_M

Please be advised that approval of this application, (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council), attracts a liability payment of £2800 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

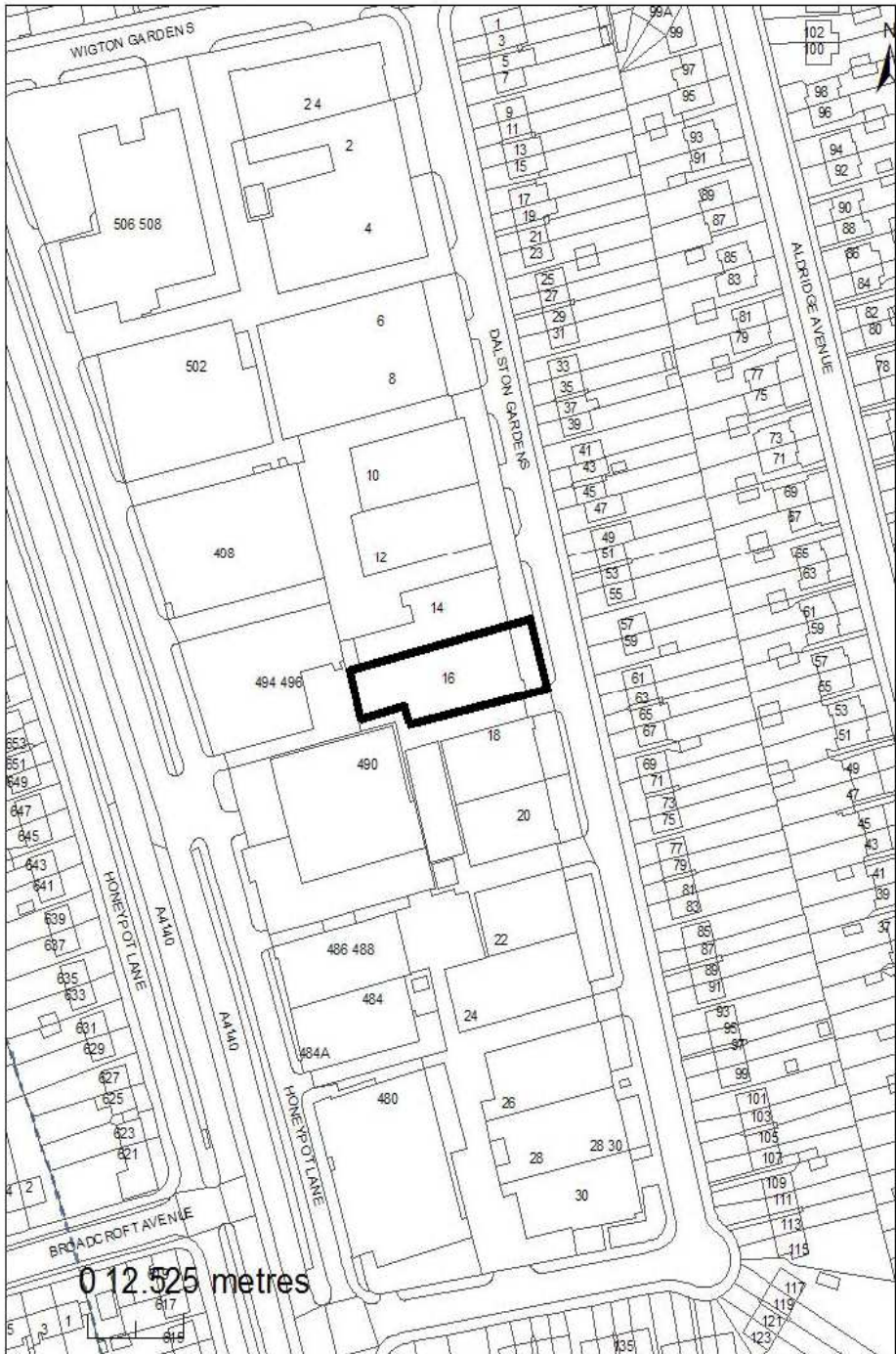
Your proposal is subject to a CIL Liability Notice indicating a levy of £2800 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 80sqm

You are advised to visit the planning portal website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Plan Nos: Site Plan; Planning, Design and Access Statement (December 2011); 85361;

16 DALSTON GARDENS, STANMORE



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Item No. 3/02
Address: TREVOSSE, 116 ROWLANDS AVENUE, HATCH END
Reference: P/1162/12
Description: Two Storey Side Extension
Ward: Hatch End
Applicant: Mr Atul Patel
Agent: Surendra
Case Officer: NICK EAGLE
Expiry Date: 20/06/2012

RECOMMENDATION

REFUSE permission for the development described in the application and submitted plans for the following reason(s):

REASON

The proposed two storey side extension, by reason of its siting close to the common boundary with No.114 Rowland Avenue, would give rise to a development which would not respect the spatial setting of the existing detached dwellinghouse, to the detriment of the character and appearance of the existing dwellinghouse and the locality, contrary to policy 7.4B of The London Plan (2011), core policy CS 1B of the Harrow Core Strategy (2012), saved policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

INFORMATION: This application is being reported to committee as the applicant is a member of staff of the Council.

Statutory Return Type: Householder

Council Interest: None

Net additional Floorspace: 11.4 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): n/a

Site Description

- The subject site is rectangular shaped and located on the eastern side of Rowlands Avenue.
- A two-storey detached dwellinghouse is located within the front part of the site. This dwelling is of brick construction with a hipped, tile clad roof.
- Single storey side and rear extensions have been added to this dwellinghouse.

- The rear part of the site is occupied by a lawn covered rear garden. This garden has an approximate depth of 25 m and an approximate width of 10 m.
- The front garden is largely covered in lawn. A driveway along the southern boundary does however connect the internal garage in the dwellinghouse with road. A low brick wall demarcates the front boundary of the subject site.
- This area contains a predominance of detached dwellings of a similar size to the subject dwelling.

Proposal Details

- The application proposes a Two Storey Side Extension.
- The two storey side extension is to follow the existing front building line of the garage set back from the main front elevation of the dwelling by 0.28 metres.
- It is to be approx 5.5 metres in depth by 2.7 metres in width with a subordinate roof.

Revisions to Previous Application

- Following the previously refused application (P/0031/12) the following amendments have been made:
- The front extension has been removed.
- The ridge height of the side extension has been reduced.
- The depth of the two storey side extension is to be reduced in depth by 1.3m

Relevant History

HAR/19534

Detached house and garage

Granted – 30/07/1962

LBH/1427/1

Erection of single storey rear extension to lounge

Granted – 13/08/1971

LBH/43281

Single storey rear extensions

Granted - 15/08/1991

EAST/44232/92/FUL

Retention of single storey rear and side extensions.

Granted – 13/02/1992

P/0031/12

Two storey front and first floor/ two storey side extension

Refuse- 02/03/2012

Reasons for Refusal:

1. The proposed two storey front extension, by reason of excessive forward projection and unsatisfactory design, would be unduly obtrusive in the street scene, to the detriment of the character and appearance of the dwellinghouse and the area, contrary to Policies 7.4B and 7.6B of The London Plan (2011), Core Policy CS1B of the Harrow Core Strategy (2012), saved Policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

2. The proposed first floor side extension, by reason of excessive bulk and depth, would be unduly obtrusive and give rise to an unreasonable sense of enclosure to the adjoining residents at 114 Rowlands Avenue, and would thereby be detrimental to their visual and residential amenities, contrary to Policy 7.6B of The London Plan (2011), saved policy D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

Formal Pre-Application Discussion

- None

Applicant Submission Documents

- None

Consultations

- Hatch End Association- No comment

Advertisement

- None

Notifications

Sent: 6

Replies: 0

Expiry: 30-05-2012

Summary of Responses

- None

APPRAISAL

MAIN CONSIDERATIONS

- 1) Character and Appearance of the Area
- 2) Residential Amenity
- 3) Traffic and Parking
- 4) S17 Crime & Disorder Act
- 5) Consultation Responses

1) Character and Appearance of the Area

The London Plan policies 7.4B and 7.6B, core policy CS 1B of the Core Strategy, saved policy D4 of the Harrow UDP and the adopted Residential Design SPD, require all new development proposal to achieve a high standard of design.

Paragraph 6.37 of the adopted SPD recognises that side extensions have considerable potential to cause harm to the character of the street scene. It goes on to state that proposed side extensions should reflect the pattern of development in the street scene. The primary consideration for detached houses is their locality and space around the building (paragraph 6.45). In order to avoid a terracing effect a minimum set-back of the first floor front wall by at least 1 metre and a subordinate pitched roof should be shown. Paragraphs 6.47 of the adopted SPD sets out the circumstances where a different or no set back would be considered acceptable. It states that a different, or no, set-back may be justified where there is a variation in the building line and **EITHER** a separation distance of at least 1 metre between the flank wall of the extension and the boundary **OR**

a permanent open area of at least 1 metre width adjacent to the boundary.

In this instance, the first floor front wall of the two storey side extension is to be setback by 0.28 meters. It is noted that there is a variation in the building line with the adjacent property no. 114. However, there is not a separation distance of at least 1 metre between the flank wall of the extension and the boundary **OR** a permanent open area of at least 1 metre width adjacent to the boundary.

The extension is to be set off the boundary by 0.8 metres at the front of the extension narrowing to 0.5 metres towards the rear.

The adjoining property no. 114 is located on the boundary adjacent to the rear of the proposed extension, and off the boundary by 0.5m adjacent the front of the extension.

The increase in the width of the dwellinghouse would substantially reduce the space around the building at first floor level; furthermore it is considered that the distances outlined above would not leave a sufficient gap to maintain space around the building as required by the adopted policies and the SPD.

In conclusion, it is considered that the proposed two storey side extension, by reason of its siting close to the common boundary with No.114 Rowland Avenue, would give rise to a development which would not respect the spatial setting of the existing detached dwellinghouse, to the detriment of the character and appearance of the existing dwellinghouse and the locality, contrary to policy 7.4B of The London Plan (2011), core policy CS 1B of the Harrow Core Strategy (2012), saved policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

2) Residential Amenity

The proposed two storey side extensions would be screened from No. 118 by the existing dwellinghouse. As such, the proposed extension would not cause unreasonable loss of light or outlook or result in any unreasonable impact on that property.

Paragraphs 6.28-6.32 of the SPD specify that first floor and two storey front and rear extensions should not interrupt a 45 degree splay line in a horizontal plane, taken from the nearest first floor or two storey rear corners of any next door dwelling. These same paragraphs also specify that side extensions should also not conflict with a 45 degree vertical splay line taken from the bottom edge of 'protected' windows on neighbouring properties.

There are no windows on the flank elevation of No. 114 from which to take 45 degree vertical splay lines.

The previous application was refused as the rear corner of the proposed first floor/two storey side extension breached a 45 degree horizontal splay line taken from the two storey rear corner of No. 114. This has now been amended and the depth of the extension has been reduced with the plans demonstrating compliance with this splay.

Notwithstanding this, any new window or door in the flank walls of the proposed extension would not be acceptable and could result in perceived overlooking of the neighbouring property. Had the proposal otherwise been acceptable, an operational condition would have been attached preventing the insertion of flank windows in the

extension.

Given the above the proposed two storey side extension complies with Policy 7.6B of The London Plan (2011), saved Policy D5 of the Harrow Unitary Development Plan and Supplementary Planning Document: Residential Design Guide (2010).

3) Traffic and Parking

The proposed extension would result in the loss of one parking space from the loss of the garage. Parking for at least one vehicle would however remain on the front of the property, which accords with the maximum specified in Schedule 5 of the HUDP. As such, the parking provision is acceptable in terms of saved Policy T13 of the HUDP.

4) S17 Crime & Disorder Act

It is considered that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

5) Consultation Responses

- None

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations and consultation as set out above: this application is recommended for refusal.

INFORMATIVES

The following policies are relevant to this decision:

The London Plan (2011) : Policy 7.4B

Harrow Core Strategy (2012): Core Policy CS 1B

Harrow Unitary Development Plan (2004): Policy D4

Adopted Supplementary Planning Document: Residential Design Guide (2010)

Plan Nos: 116RW P 101 Rev01, 116/RW P 102 Rev 01.

TREVOSSE, 116 ROWLANDS AVENUE, HATCH END



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SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.